

***Compilation of documents or texts
adopted and used by various
intergovernmental, international,
regional and subregional
organizations aimed at promoting
and consolidating democracy****

* This compilation has been prepared on the basis of paragraph 14 of Commission on Human Rights resolution 2003/36 which requested OHCHR to prepare a compilation of documents or texts adopted and used by various intergovernmental, international, regional and subregional organizations aimed at promoting and consolidating democracy

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INTRODUCTION

The Commission on Human Rights in its resolution 2003/36 requested the Office of the High Commissioner for Human Rights to prepare a compilation of documents and texts used by various intergovernmental, international, regional and subregional organizations aimed at promoting and consolidating democracy.

The texts and documents in this compilation have been adopted by various organizations from different regions of the world, notably the African Union (AU), the Economic Community of Central African States (ECCAS), the Economic Community of West African States (ECOWAS), the Southern African Development Community (SADC), the Organization of American States (OAS), the Andean Community, the Organization of Iberoamerican States for Education, Science and Culture (OEI), the Sistema de la Integración Centroamericana (SICA), the Common Market of the South (MERCOSUR), Permanent Mechanism of Political Consultation and Coordination - the Rio Group (GRIO), the European Union (EU), the Venice Commission of the Council of Europe, the Organization for Security and Cooperation in Europe (OSCE) and the League of Arab States.

Other relevant texts were adopted by intergovernmental organizations such as the International Organization of la Francophonie (OIF) and the Commonwealth, or by other entities such as the International Conference of New or Restored Democracies (ICNRD) and the Community of Democracies (CD). The Inter-Parliamentary Union (IPU) has also adopted relevant texts.

Several texts and documents adopted by the United Nations and specialized agencies such as the United Nations Educational, Scientific and Cultural Organization (UNESCO) have also been used for the purpose of this compilation.

The documents and texts used in the compilation vary in their nature and legal status. The types of documents and texts include the following: constitutive acts, treaties, charters, declarations of principles, protocols, guidelines, plans of action, strategies, codes of conduct and codes of good practices, recommendations and regulations.

Regardless of their legally binding status, the value of these documents and texts rests on their acceptance and recognition by a large number of actors. They provide guidance and are an important source of information to those involved in the promotion and consolidation of democracy.

With regard to the content of documents and texts used in the compilation, international, regional and subregional organizations have generally expressed their adherence to principles and objectives such as equality before the law, freedom of expression and association and participation in the political decision-making process. Documents and texts used in the compilation contain strong commitments to the

strengthening and implementation of the essential elements of democracy such as separation of powers, empowerment and strengthening of parliaments, independence of the judiciary, fair and transparent elections, opposition to unconstitutional changes of Government, popular participation, decentralization of power, freedom of the press, freedom of the members of the Bar, and the subsidiary role of the armed forces, the police or the security forces in a democracy.

Documents and texts used by these organizations also underline the close link and the interdependence between democracy and other concepts such as stability, peace and sustainable development, as well as efforts to fight corruption.

Several organizations have adopted documents and texts on principles or guidelines for democratic elections, guidelines for elections observation and monitoring, codes of conduct and codes of good practice in electoral matters, guidelines for constitutional referendums, guidelines for the financing of political parties or prohibition and dissolution of political parties.

Education for democracy and promotion of a culture of democracy are also topics highlighted in several texts presented in the compilation.

Several organizations have adopted texts in which they reject and condemn unconstitutional changes of Government, define what should be considered as unconstitutional changes and propose measures to be taken against such disruptions of constitutional order.

Some organizations have established democratic clauses in their agreements with third-party States linking their assistance to the respect of democratic principles, and have elaborated mechanisms to supervise commitments undertaken by States in the field of democracy.

The compilation of documents and texts is a useful resource for States, intergovernmental and non-governmental organizations, United Nations bodies and specialized agencies and academics and other specialists who would like to do comparative research in this area. The compilation is also a helpful resource for those interested in international, regional and subregional approaches to issues relating to promoting and consolidating democracy.

I. REGIONAL AND SUBREGIONAL ORGANISATIONS

AFRICA

A. AFRICAN UNION (AU)

1. African Charter on Human and Peoples' Rights

Adopted on 27 June 1981, *entered into force* on 21 October 1986
(Excerpts)

Preamble

The African States members of the Organization of African Unity, parties to the present convention entitled "African Charter on Human and Peoples' Rights",
Recalling Decision 115 (XVI) of the Assembly of Heads of State and Government at its Sixteenth Ordinary Session held in Monrovia, Liberia, from 17 to 20 July 1979 on the preparation of a "preliminary draft on an African Charter on Human and Peoples' Rights providing inter alia for the establishment of bodies to promote and protect human and peoples' rights";

Considering the Charter of the Organization of African Unity, which stipulates that "freedom, equality, justice and dignity are essential objectives for the achievement of the legitimate aspirations of the African peoples";

Reaffirming the pledge they solemnly made in Article 2 of the said Charter to eradicate all forms of colonialism from Africa, to coordinate and intensify their cooperation and efforts to achieve a better life for the peoples of Africa and to promote international cooperation having due regard to the Charter of the United Nations. and the Universal Declaration of Human Rights;

Taking into consideration the virtues of their historical tradition and the values of African civilization which should inspire and characterize their reflection on the concept of human and peoples' rights;

Recognizing on the one hand, that fundamental human rights stem from the attributes of human beings which justifies their national and international protection and on the other hand that the reality and respect of peoples rights should necessarily guarantee human rights;

Considering that the enjoyment of rights and freedoms also implies the performance of duties on the part of everyone; Convinced that it is henceforth essential to pay a particular attention to the right to development and that civil and political rights cannot be dissociated from economic, social and cultural rights in their conception as well as

universality and that the satisfaction of economic, social and cultural rights is a guarantee for the enjoyment of civil and political rights;

Conscious of their duty to achieve the total liberation of Africa, the peoples of which are still struggling for their dignity and genuine independence, and undertaking to eliminate colonialism, neo-colonialism, apartheid, zionism and to dismantle aggressive foreign military bases and all forms of discrimination, particularly those based on race, ethnic group, color, sex, language, religion or political opinions;

Reaffirming their adherence to the principles of human and peoples' rights and freedoms contained in the declarations, conventions and other instrument adopted by the Organization of African Unity, the Movement of Non-Aligned Countries and the United Nations;

Firmly convinced of their duty to promote and protect human and people' rights and freedoms taking into account the importance traditionally attached to these rights and freedoms in Africa;

Have agreed as follows:

Part I: Rights and Duties

Chapter I: Human and Peoples' Rights

Article 1

The Member States of the Organization of African Unity parties to the present Charter shall recognize the rights, duties and freedoms enshrined in this Chapter and shall undertake to adopt legislative or other measures to give effect to them.

Article 2

Every individual shall be entitled to the enjoyment of the rights and freedoms recognized and guaranteed in the present Charter without distinction of any kind such as race, ethnic group, color, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or other status.

Article 3

1. Every individual shall be equal before the law.
2. Every individual shall be entitled to equal protection of the law.

...

Article 10

1. Every individual shall have the right to free association provided that he abides by the law.

2. Subject to the obligation of solidarity provided for in 29¹ no one may be compelled to join an association.

Article 11

Every individual shall have the right to assemble freely with others. The exercise of this right shall be subject only to necessary restrictions provided for by law in particular those enacted in the interest of national security, the safety, health, ethics and, rights and freedoms of others.

...

Article 13

1. Every citizen shall have the right to participate freely in the government of his country, either directly or through freely chosen representatives in accordance with the provisions of the law.

2. Every citizen shall have the right of equal access to the public service of his country.

3. Every individual shall have the right of access to public property and services in strict equality of all persons before the law.

...

Article 25

States parties to the present Charter shall have the duty to promote and ensure through teaching, education and publication, the respect of the rights and freedoms contained in the present Charter and to see to it that these freedoms and rights as well as corresponding obligations and duties are understood.

¹ *Article 29* :The individual shall also have the duty: 1. to preserve the harmonious development of the family and to work for the cohesion and respect of the family; to respect his parents at all times, to maintain them in case of need; 2. To serve his national community by placing his physical and intellectual abilities at its service; 3. Not to compromise the security of the State whose national or resident he is; 4. To preserve and strengthen social and national solidarity, particularly when the latter is threatened; 5. To preserve and strengthen the national independence and the territorial integrity of his country and to contribute to its defence in accordance with the law; 6. To work to the best of his abilities and competence, and to pay taxes imposed by law in the interest of the society; 7. to preserve and strengthen positive African cultural values in his relations with other members of the society, in the spirit of tolerance, dialogue and consultation and, in general, to contribute to the promotion of the moral well being of society; 8. To contribute to the best of his abilities, at all times and at all levels, to the promotion and achievement of African unity.

Article 26

States parties to the present Charter shall have the duty to guarantee the independence of the Courts and shall allow the establishment and improvement of appropriate national institutions entrusted with the promotion and protection of the rights and freedoms guaranteed by the present Charter.

...

2. Constitutive Act of the African Union

Adopted by the thirty-sixth ordinary session of the assembly of heads of States and
Governments
11 JULY, 2000 - LOME, TOGO
(Excerpts)

Preamble

We, Heads of State and Government of the Member States of the Organization of African Unity (OAU)

...

INSPIRED by the noble ideals which guided the founding fathers of our Continental Organization and generations of Pan-Africanists in their determination to promote unity, solidarity, cohesion and cooperation among the peoples of Africa and African States;

CONSIDERING the principles and objectives stated in the Charter of the Organization of African Unity and the Treaty establishing the African Economic Community;

RECALLING the heroic struggles waged by our peoples and our countries for political independence, human dignity and economic emancipation;

CONSIDERING that since its inception, the Organization of African Unity has played a determining and invaluable role in the liberation of the continent, the affirmation of a common identity and the process of attainment of the unity of our Continent and has provided a unique framework for our collective action in Africa and in our relations with the rest of the world;

DETERMINED to take up the multifaceted challenges that confront our continent and peoples in the light of the social, economic and political changes taking place in the world;

CONVINCED of the need to accelerate the process of implementing the Treaty establishing the African Economic Community in order to promote the socioeconomic development of Africa and to face more effectively the challenges posed by globalization;

GUIDED by our common vision of a united and strong Africa and by the need to build a partnership between governments and all segments of civil society, in particular women, youth and the private sector in order to strengthen solidarity and cohesion among our peoples;

CONSCIOUS of the fact that the scourge of conflicts in Africa constitutes a major impediment to the socio-economic development of the continent and of the need to promote peace, security and stability as a prerequisite for the implementation of our development and integration agenda;

DETERMINED to promote and protect human and peoples' rights, consolidate democratic institutions and culture, and to ensure good governance and the rule of law;

FURTHER DETERMINED to take all necessary measures to strengthen our common institutions and provide them with the necessary powers and resources to enable them discharge their respective mandates effectively;

RECALLING the Declaration which we adopted at the Fourth Extraordinary Session of our Assembly in Sirte, the Great Socialist People's Libyan Arab Jamahiriya, on 9.9. 99, in which we decided to establish an African Union, in conformity with the ultimate objectives of the Charter of our Continental Organization and the Treaty establishing the African Economic Community;

HAVE AGREED AS FOLLOWS:

...

Article 3 (Objectives)

The objectives of the Union shall be to:

...

(f) Promote peace, security, and stability on the continent;

(g) promote democratic principles and institutions, popular participation and good governance

(h) Promote and protect human and peoples' rights in accordance with the African Charter on Human and Peoples' Rights and other relevant human rights instruments;

Article 4 (Principles)

The Union shall function in accordance with the following principles:

...

(m) respect for democratic principles, human rights, the rule of law and good governance

...

(p) condemnation and rejection of unconstitutional changes of governments

...

Article 17 (The Pan-African Parliament)

(1) In order to ensure the full participation of African peoples in the development and economic integration of the continent, a Pan-African Parliament shall be established.

...

3. Lomé Declaration of July 2000 on the framework for an OAU response to unconstitutional changes of government
(AHG/Decl.5 (XXXVI))

We, Heads of State and Governments of the Organization of African Unity, meeting at the Thirty-sixth Ordinary Session of our Assembly in Lome, Togo from 10 – 12 July, 2000 have undertaken a review of the Political Developments on the Continent and in particular the state of consolidating democracy in Africa.

We express our grave concern about the resurgence of coup d'état in Africa. We recognize that these developments are a threat to peace and security of the Continent and they constitute a very disturbing trend and serious set back to the ongoing process of democratization in the Continent.

We recognize that the phenomenon of coup d'état has resulted in flagrant violations of the basic principles of our Continental Organization and of the United Nations. The phenomenon also contradicts and contravenes the position taken by our Organization in Harare in 1997 following the coup d'état in Sierra Leone, in which we unequivocally condemned and rejected any unconstitutional change of government. We reaffirm that coups are sad and unacceptable developments in our Continent, coming at a time when our people have committed themselves to respect of the rule of law based on peoples will expressed through the ballot and not the bullet.

We recall our Decision AHG/Dec.141 (XXXV), adopted during the Thirty-fifth Ordinary Session of our Assembly, in which we unanimously rejected any unconstitutional change as an unacceptable and anachronistic act, which is in contradiction of our commitment to promote democratic principles and conditions.

We recall further the mandate by the Seventieth Ordinary Session of the Council of Ministers, held in Algiers, in July 1997, to the Central Organ of the OAU Mechanism for Conflict Prevention, Management and Resolution to reactivate, as a matter of urgency, the sub-committee on unconstitutional change, in order to finalize its work in the light of the Harare discussions particularly, as regards the measures to apply in coup d'état situations occurring in Member States.

We reaffirm the provisions of the OAU Charter and the provisions of the African Charter on Human and Peoples' Rights. We recognize that the principles of good governance, transparency and human rights are essential elements for building representative and stable governments and can contribute to conflict prevention.

Having reviewed the state of democracy in the Continent, and bearing in mind all our previous Decisions on this issue, as well as our strong determination to put an end to this unacceptable development.

We have agreed on the following elements of a Framework for an OAU response to Unconstitutional Changes of Government:

- a) a set of common values and principles for democratic governance;
- b) a definition of what constitutes an unconstitutional change; and
- c) measures and actions that the OAU would progressively take to respond to an Unconstitutional Change of Government; and
- d) an implementation Mechanism.

We are of the view that there is need to provide a solid underpinning to the OAU's agenda of promoting democracy and democratic institutions in Africa. Beyond invoking relevant Declarations issued by various sessions of our Assembly and the Council of Ministers, consideration could be given to the elaboration of a set of principles on democratic governance to be adhered to by all Member States of the OAU. These principles are not new; they are, as a matter of fact, contained in various documents adopted by our Organization. What is required here is to enumerate them in a coherent manner which will bear witness to our adherence to a common concept of democracy and will lay down the guiding principles for the qualification of a given situation as constituting an unconstitutional change. In this regard, and without being exhaustive, we have also agreed on the following principles as a basis for the articulation of common values and principles for democratic governance in our countries:

- i) adoption of a democratic Constitution: its preparation, content and method of revision should be in conformity with generally acceptable principles of democracy;
- ii) respect for the Constitution and adherence to the provisions of the law and other legislative enactments adopted by Parliament;
- iii) separation of powers and independence of the judiciary;
- iv) promotion of political pluralism or any other form of participatory democracy and the role of the African civil society, including enhancing and ensuring gender balance in the political process;
- v) the principle of democratic change and recognition of a role for the opposition;
- vi) organization of free and regular elections, in conformity with existing texts;
- vii) guarantee of freedom of expression and freedom of the press, including guaranteeing access to the media for all political stake-holders;
- viii) constitutional recognition of fundamental rights and freedoms in conformity with the Universal Declaration of Human Rights of 1948 and the African Charter on Human and Peoples' Rights of 1981;
- ix) guarantee and promotion of human rights.

We believe that the strict adherence to these principles and the strengthening of democratic institutions will considerably reduce the risks of unconstitutional change on our Continent. Indeed, experience has shown that unconstitutional changes are sometimes the culmination of a political and institutional crisis linked to nonadherence to the above common values and democratic principles. Our Organization should therefore support all efforts aimed at promoting adherence to these principles.

In order to give practical effect to the principles we have enunciated, we have agreed on the following definition of situations that could be considered as situations of unconstitutional change of government:

- i) military coup d'etat against a democratically elected Government;
- ii) intervention by mercenaries to replace a democratically elected Government;

iii) replacement of democratically elected Governments by armed dissident groups and rebel movements;

iv) the refusal by an incumbent government to relinquish power to the winning party after free, fair and regular elections.

We have also decided that:

Whenever an unconstitutional change as provided for in the definition of unconstitutional change above, takes place in a Member States, our Current Chairman of the OAU and our Secretary-General, on behalf of our Organization, should immediately and publicly condemn such a change and urge for the speedy return to constitutional order. The Current Chairman and the Secretary-General should also convey a clear and unequivocal warning to the perpetrators of the unconstitutional change that, under no circumstances, will their illegal action be tolerated or recognized by the OAU. In that regard, the Current Chairman and the Secretary-General should urge for consistency of action at the bilateral, inter-state, sub-regional and international levels. The Central Organ should thereafter convene, as a matter of urgency, to discuss the matter.

At the request of its Chairman, the Secretary-General or any OAU Member State, the Central Organ may be convened to consider any given situation that could be considered as constituting an unconstitutional change. Following the initial response of condemning the unconstitutional change by the Central Organ:

(a) A period of up to six months should be given to the perpetrators of the unconstitutional change to restore constitutional order. During the six month period, the government concerned should be suspended from participating in the Policy Organs of the OAU. Apart from the sanctions provided for under Article 115 of the OAU Financial Rules and Regulations, the governments concerned should not participate in meetings of the Central Organ and Sessions of the Council of Ministers and the Assembly of Heads of State and Government. Its exclusion from participating in the OAU Policy Organs should not affect the country's membership in the OAU and therefore will not preclude it from honouring its basic obligations towards the Organization including financial contributions to the OAU regular budget;

(b) The Secretary-General should, during this period gather facts relevant to the unconstitutional change of Government and establish appropriate contacts with the perpetrators with a view to ascertaining their intentions regarding the restoration of constitutional order in the country; the Secretary-General should seek the contribution of African leaders and personalities in the form of discreet moral pressure on the perpetrators of the unconstitutional change in order to get them to cooperate with the OAU and facilitate the restoration of constitutional order in the Member State concerned; the Secretary-General should speedily enlist the collaboration of the Regional Grouping to which the "country in crisis" belongs. At the expiration of the six months suspension period, a range of limited and targeted sanctions against the regime that stubbornly refuses to restore constitutional order should be instituted, in addition to the suspension from participation in the OAU Policy Organs. This could include visa denials for the perpetrators of an unconstitutional change, restrictions of government-to-government contacts, trade restrictions, etc. In implementing a sanctions regime, the OAU should enlist the cooperation of Member States, Regional Groupings and the wider International/Donor Communities. Careful attention should be exercised to ensure that the ordinary citizens of the concerned country do not suffer disproportionately on account of the enforcement of sanctions.

In order to give effect to these measures, we have decided that existing OAU mechanisms, particularly the Central Organ, at all its three levels, will be the instrument for implementing this Framework for an OAU response to unconstitutional changes in Africa. In this regard, we request our Secretary-General to explore how best to enhance the capacity of that Policy Organ to enable it implement in an effective and credible manner, the principles contained in the Framework.

We have agreed on the establishment of a Central Organ sanctions sub-committee of 5 members chosen on the basis of regional representation. The sub-committee will regularly monitor compliance with Decisions taken on situations of unconstitutional changes and recommend appropriate review measures to the Policy Organs of the OAU.

**4. Conference on Security, Stability, Development and Cooperation in Africa
(CSSDCA) Solemn Declaration**
(AHG/Decl.4 (XXXVI), 2000
(Excerpts)

1. We, the Heads of State and Government of the Member States of the Organization of African Unity (OAU), meeting in Lome, Togo, at the 36th Assembly of our Organization, have considered the report of the Ministerial meeting of the Conference on Security, Stability, Development and Cooperation in Africa (CSSDCA) held in Abuja, from 8 to 9 May, 2000. The Ministerial Conference was convened pursuant to the decision taken in Algiers in July 1999, proclaiming 2000 as the Year of Peace, Security and Solidarity in Africa as well as the Declaration adopted on 9 September, 1999, at our 4th Extraordinary Summit in Sirte, in the Great Socialist Peoples Libyan Arab Jamahiriya, which, inter-alia, decided on the establishment of an African Union and the convening of the Ministerial Conference.

2. We recall the Decisions we have taken, over the years, to promote political stability and economic development in our Continent. In the realm of promoting stability, the African Charter for Popular Participation in Development and the Declaration on the Political and Socio-Economic Situation in Africa and the Fundamental Changes Taking Place in the World, were adopted in 1990.

3. In June 1993, in Cairo, Egypt, we adopted a Declaration establishing the Mechanism for Conflict Prevention, Management and Resolution to forge, within the OAU, a new institutional dynamism for the prevention, management and resolution of conflicts. In 1981 and 1998 respectively, the African Charter on Human and People's Rights and the Protocol on the establishment of the African Court on Human and People's Rights, were adopted. Both were important instruments for ensuring the promotion, protection and observance of human rights as an integral part of our Organization's wider objective of promoting collective security for durable peace and sustainable development.

4. "In July 1997, during our Summit in Harare, we took a stand against Unconstitutional Changes of Government. This led the Algiers Summit of July 1999 to adopt a decision on Unconstitutional Changes of Governments to reinforce respect for democracy, the rule of law, good governance and stability."

5. In the area of development and cooperation, the Lagos Plan of Action and the Final Act of Lagos were adopted in 1980; the Treaty establishing the African Economic Community and the Cairo Agenda for Re-launching the Economic and Social Development of Africa, were adopted in 1991 and 1995 respectively. The Sirte Declaration of September 1999, included measures for accelerating the process of economic integration and addressing the question of Africa's indebtedness.

6. We recall that these concerns were at the core of the initiative launched by the African Leadership Forum on the CSSDCA process. We note that the conference on Security, Stability, Development and Cooperation in Africa as proposed in the Kampala Document was not conceived as a one-off event, but rather as a process. The underlying thinking of the CSSDCA process as articulated in the four calabashes of the Kampala Document of 1991 was a recognition of the fact that the problems of security and stability in many African countries had impaired their capacity to achieve the necessary level of intra and inter-African cooperation that is required to attain the integration of the continent and critical to the continent's socio-economic development and transformation. In this regard, we have used both the revised Kampala Document and the

working document elaborated by our experts in Addis Ababa to enrich our thinking on the CSSDCA process.

7. We note that all the major decisions taken by our Organization since its inception, reflect the inter-linkage between peace, stability, development, integration and cooperation. We believe that the CSSDCA process creates a synergy between the various activities currently undertaken by our Organization and should therefore help to consolidate the work of the OAU in the areas of peace, security, stability, development and cooperation. It should provide a policy development forum for the elaboration and advancement of common values within the main policy organs of the OAU.

8. We are convinced that the interactive approach embedded in the CSSDCA initiative, should provide an invaluable tool for the pursuit of the agenda of the OAU in the new millennium, with particular reference to the issues of Security, Stability, Development and Cooperation.

DECLARATION OF PRINCIPLES

9. In recognition of the importance of the CSSDCA, which shall encompass four major areas henceforth called Calabashes: Security, Stability, Development and Cooperation in furthering Africa's interests within the ambit of the OAU, we affirm the following general and specific principles:

GENERAL PRINCIPLES

...

(h) Democracy, good governance, respect for human and peoples' rights and the rule of law are prerequisites for the security, stability and development of the Continent;

...

(l) Member States should adhere in good faith to all CSSDCA principles and ensure their implementation.

SPECIFIC PRINCIPLES

Security

10. Recognizing that security should be seen in its wholesomeness and totality including the right of peoples to live in peace with access to the basic necessities of life, while fully enjoying the rights enshrined in the African Charter on Human and Peoples Rights and freely participating in the affairs of their societies; and bearing in mind that Africa's security and that of its Member States are inseparably linked with the security of all African peoples;

We affirm that:

(a) Security should be recognized as a pillar of the CSSDCA process. It is an indispensable condition for peace, stability, development and cooperation. It underscores the organic links that exist between the security of Member States as a whole and the security of each of them on the basis of their history, culture, geography and their common destiny. This implies individual and collective responsibilities exercised within the basic framework of the African Charter on Human and Peoples Rights and other relevant international instruments;

(b) The concept of security must embrace all aspects of society including economic, political, and social and environmental dimensions of the individual, family, and community, local and national life. The security of a nation must be based on the security of the life of the individual citizens to live in peace and to satisfy basic needs while being able to participate fully in societal affairs and enjoying freedom and fundamental human rights;

(c) The security of all Africans and their States as a whole is indispensable for stability, development and cooperation in Africa. This should be a sacred responsibility of all African States – individually and collectively- which must be exercised within the basic framework of the African Charter on Human and Peoples’ Rights and other relevant international instruments;

...

Stability

11. Noting that stability requires that all States be guided by strict adherence to the rule of law, good governance, peoples participation in public affairs, respect for human rights and fundamental freedoms, the establishment of political organizations devoid of sectarian, religious, ethnic, regional and racial extremism;

...

We affirm that:

(a) The Executive, legislative and judicial branches of government must respect their national constitutions and adhere to the provisions of the law and other legislative enactment promulgated by National Assemblies. No one should be exempted from accountability;

(b) The active and genuine participation of citizens of every country in the decisionmaking processes and in the conduct of public affairs must be fostered and facilitated;

(c) All rights and freedoms of citizens should be promoted and protected;

(d) There shall be no hindrance to the promotion of political pluralism. All forms of extremism and intolerance foster instability;

(e) Terrorism, in all its manifestations, is inimical to stability.

...

PLAN OF ACTION

14. Having identified the General and Specific Principles that will guide the CSSDCA process and having reached a consensus on the need to put in place measures for the implementation of those principles, we, the Heads of State and Government of the Organization of African Unity, have agreed on the following Plan of Action.

...

STABILITY

We agree to:

- a) Intensify efforts aimed at enhancing the process of democratization in Africa. In this regard, the strengthening of institutions that will sustain democracy on the continent including the holding of free and fair elections should be encouraged;
- b) Adopt and implement a set of guidelines for dealing with unconstitutional and undemocratic changes in Africa in line with the Decisions that we took during the 35th Ordinary Session of our Assembly held in Algiers in 1999;
- c) Encourage the participation and contribution of Civil Society in our States, to the efforts to bring about further democratization in our Continent;
- d) Recommit ourselves to the promotion of Good Governance, a culture of peace and accountability by leaders and officials, as a shared community value;
- e) Encourage civic education on good governance and the promotion of African values in African institutions and schools;
- f) Uphold and guarantee the rule of law, the protection and defence of the rights of citizenship as acquired at independence and as provided for in national constitutions;
- g) Vigorously combat racism, extreme nationalism, religious extremism and xenophobic tendencies;
- h) Promote and encourage cohesion, national solidarity and identity within African societies;
- i) Protect and promote respect for Human Rights and Fundamental Freedoms, such as the freedom of expression and association, political and trade union pluralism and other forms of participatory democracy;
- j) Ensure the equitable distribution of national income and wealth, as well as transparency in the exploitation of Africa's resources. In this regard, the negative impact of external and internal interests in the exploitation of Africa's resources and corruption, which continue to fuel conflicts on the continent, should be addressed in a more cohesive and effective manner;
- k) Promote greater burden-sharing in addressing refugee problems in Africa and, especially, reduce its negative impact on the environment and the economies of asylum countries;
- l) Condemn genocide, crimes against humanity and war crimes in the Continent and undertake to cooperate with relevant institutions set up to prosecute the perpetrators. Similarly, we agree to take measures to prevent the occurrence of genocide on our Continent, and encourage ratification of the protocol on the establishment of African Court on Human and Peoples' Rights and the statute of the International Criminal Court.

...

5. The New Partnership for Africa's Development (NEPAD)
Abuja, NIGERIA, October 2001
(Excerpts)

I. INTRODUCTION

1. This New Partnership for Africa's Development is a pledge by African leaders, based on a common vision and a firm and shared conviction, that they have a pressing duty to eradicate poverty and to place their countries, both individually and collectively, on a path of sustainable growth and development, and at the same time to participate actively in the world economy and body politic. The Programme is anchored on the determination of Africans to extricate themselves and the continent from the malaise of underdevelopment and exclusion in a globalising world.
2. The poverty and backwardness of Africa stand in stark contrast to the prosperity of the developed world. The continued marginalisation of Africa from the globalisation process and the social exclusion of the vast majority of its peoples constitute a serious threat to global stability.
3. Historically accession to the institutions of the international community, the credit and aid binomial has underlined the logic of African development. Credit has led to the debt deadlock, which, from instalments to rescheduling, still exists and hinders the growth of African countries. The limits of this option have been reached. Concerning the other element of the binomial – aid – we can also note the reduction of private aid and the upper limit of public aid, which is below the target set in the 1970s.
4. In Africa, 340 million people, or half the population, live on less than US \$1 per day. The mortality rate of children under 5 years of age is 140 per 1000, and life expectancy at birth is only 54 years. Only 58 per cent of the population have access to safe water. The rate of illiteracy for people over 15 is 41 per cent. There are only 18 mainline telephones per 1000 people in Africa, compared with 146 for the world as a whole and 567 for high-income countries.
5. The New Partnership for Africa's Development calls for the reversal of this abnormal situation by changing the relationship that underpins it. Africans are

appealing neither for the further entrenchment of dependency through aid, nor for marginal concessions.

6. We are convinced that an historic opportunity presents itself to end the scourge of underdevelopment that afflicts Africa. The resources, including capital, technology and human skills, that are required to launch a global war on poverty and underdevelopment exist in abundance, and are within our reach. What is required to mobilise these resources and to use them properly, is bold and imaginative leadership that is genuinely committed to a sustained human development effort and poverty eradication, as well as a new global partnership based on shared responsibility and mutual interest.
7. Across the continent, Africans declare that we will no longer allow ourselves to be conditioned by circumstance. We will determine our own destiny and call on the rest of the world to complement our efforts. There are already signs of progress and hope. Democratic regimes that are committed to the protection of human rights, people-centred development and market-oriented economies are on the increase. African peoples have begun to demonstrate their refusal to accept poor economic and political leadership. These developments are, however, uneven and inadequate and need to be further expedited.
8. The New Partnership for Africa's Development is about consolidating and accelerating these gains. It is a call for a new relationship of partnership between Africa and the international community, especially the highly industrialised countries, to overcome the development chasm that has widened over centuries of unequal relations.

...

III. THE NEW POLITICAL WILL OF AFRICAN LEADERS

The New Partnership for Africa's Development recognises that there have been attempts in the past to set out continent-wide development programmes. For a variety of reasons, both internal and external, including questionable leadership and ownership by Africans themselves, these have been less than successful. However, there is today a new set of circumstances, which lend themselves to integrated practical implementation.

The new phase of globalisation coincided with the reshaping of international relations in the aftermath of the Cold War. This is associated with the emergence of new concepts of security and self-interest, which encompass the right to development and the eradication of poverty. Democracy and state legitimacy have been redefined to include accountable government, a culture of human rights and popular participation as central elements.

Significantly, the numbers of democratically elected leaders are on the increase. Through their actions, they have declared that the hopes of Africa's peoples for a better life can no longer rest on the magnanimity of others.

Across the continent, democracy is spreading, backed by the African Union (AU), which has shown a new resolve to deal with conflicts and censure deviation from the norm. These efforts are reinforced by voices in civil society, including associations of women, youth and the independent media. In addition, African governments are much more resolute about regional and continental goals of economic cooperation and integration. This serves both to consolidate the gains of the economic turnaround and to reinforce the advantages of mutual interdependence.

The changed conditions in Africa have already been recognised by governments across the world. The United Nations Millennium Declaration, adopted in September 2000, confirms the global community's readiness to support Africa's efforts to address the continent's underdevelopment and marginalisation. The Declaration emphasises support for the prevention of conflict and the establishment of conditions of stability and democracy on the continent, as well as for the key challenges of eradicating poverty and disease. The Declaration further points to the global community's commitment to enhance resource flows to Africa, by improving aid, trade and debt relationships between Africa and the rest of the world, and by increasing private capital flows to the continent. It is now important to translate these commitments into reality.

The New Partnership for Africa's Development centres around African ownership and management. Through this programme, African leaders are setting an agenda for the renewal of the continent. The agenda is based on national and regional priorities and development plans that must be prepared through participatory processes involving the people. We believe that while African leaders derive their mandates from their people, it is their role to articulate these plans as well as lead the processes of implementation on behalf of their people.

The programme is a new framework of interaction with the rest of the world, including the industrialised countries and multilateral organisations. It is based on the agenda set by African peoples through their own initiatives and of their own volition, to shape their own destiny.

To achieve these objectives, African leaders will take joint responsibility for the following:

- Promoting and protecting democracy and human rights in their respective countries and regions, by developing clear standards of accountability, transparency and participatory governance at the national and sub-national levels;

...

V. PROGRAMME OF ACTION: THE STRATEGY FOR ACHIEVING SUSTAINABLE DEVELOPMENT IN THE 21st CENTURY

...

A. CONDITIONS FOR SUSTAINABLE DEVELOPMENT

• **The Peace, Security, Democracy, and Political Governance Initiative**

African leaders have learnt from their own experiences that peace, security, democracy, good governance, human rights and sound economic management are conditions for sustainable development. They are making a pledge to work, both individually and collectively, to promote these principles in their countries, sub-regions and the continent.

(i) Peace and Security Initiative

The Peace and Security Initiative consists of three elements as follows:

- Promoting long-term conditions for development and security;
- Building the capacity of African institutions for early warning, as well as enhancing African institutions' capacity to prevent, manage and resolve conflicts;
- Institutionalising commitment to the core values of the New Partnership for Africa's Development through the leadership.

Long-term conditions for ensuring peace and security in Africa require policy measures to address the political and social vulnerabilities on which conflict is premised. These are dealt with by the Political and Economic Governance Initiatives, the Capital Flows and Market Access Initiatives and the Human Development Initiative.

Efforts to build Africa's capacity to manage all aspects of conflict must focus on the means necessary to strengthen existing regional and sub-regional institutions, especially in four key areas:

- Prevention, management and resolution of conflict;

- Peacemaking, peacekeeping and peace enforcement;
- Post-conflict reconciliation, rehabilitation and reconstruction;
- Combating the illicit proliferation of small arms, light weapons and landmines.

The leadership of the New Partnership for Africa's Development will consider, within six months of its establishment, setting out detailed and costed measures required in each of the four areas above. The exercise will also include actions required of partners, and the nature and sources of financing such activities.

The envisaged Heads of State Forum will serve as a platform for the New Partnership for Africa's Development leadership to seek to enhance the capacity of African institutions to promote peace and security on the continent, to share experience and to mobilise collective action. The Forum will ensure that the principles and commitments implicit in the initiative are fulfilled.

Aware of that requirement, Africans must make all efforts to find a lasting solution to existing conflicts; strengthen their internal security and promote peace among the countries.

At the Lusaka Summit, the African Union decided to take drastic measures in reviving the organs responsible for conflict prevention and resolution.

(ii) Democracy and Political Governance Initiative

It is now generally acknowledged that development is impossible in the absence of true democracy, respect for human rights, peace and good governance. With the New Partnership for Africa's Development, Africa undertakes to respect the global standards of democracy, which core components include political pluralism, allowing for the existence of several political parties and workers' unions, fair, open, free and democratic elections periodically organised to enable the populace choose their leaders freely.

The purpose of the Democracy and Governance Initiative is to contribute to strengthening the political and administrative framework of participating countries, in line with the

principles of democracy, transparency, accountability, integrity, respect for human rights and promotion of the rule of law. It is strengthened by and supports the Economic Governance Initiative, with which it shares key features, and taken together will contribute to harnessing the energies of the continent towards development and poverty eradication.

...

The Initiative consists of the following elements:

- A series of commitments by participating countries to create or consolidate basic governance processes and practices;
- An undertaking by participating countries to take the lead in supporting initiatives that foster good governance;
- The institutionalisation of commitments through the New Partnership for Africa's Development leadership to ensure that the core values of the initiative are abided by.

The New Partnership for Africa's Development states will also undertake a series of commitments towards meeting basic standards of good governance and democratic behaviour while, at the same time, giving support to each other. Participating states will be supported in undertaking such desired institutional reforms where required. Within six months of its institutionalisation, the New Partnership for Africa's Development leadership will identify recommendations on appropriate diagnostic and assessment tools, in support of compliance with the shared goals of good governance, as well as to identify institutional weaknesses and to seek resources and expertise for addressing these weaknesses.

In order to strengthen political governance and build capacity to meet these commitments, the New Partnership for Africa's Development leadership will undertake a process of targeted capacity-building initiatives. These institutional reforms will focus on:

- Administrative and civil services;

- Strengthening parliamentary oversight;
- Promoting participatory decision-making;
- Adopting effective measures to combat corruption and embezzlement;
- Undertaking judicial reforms.

Countries participating in the initiative will take the lead in supporting and building institutions and initiatives that protect these commitments. They will dedicate their efforts towards creating and strengthening national, sub-regional and continental structures that support good governance.

The Heads of State Forum on the New Partnership for Africa's Development will serve as a mechanism through which the leadership of the New Partnership for Africa's Development will periodically monitor and assess the progress made by African countries in meeting their commitment towards achieving good governance and social reforms. The Forum will also provide a platform for countries to share experiences with a view to fostering good governance and democratic practices.

...

6. African Union Declaration on the Principles Governing Democratic Elections in Africa, AHG/Decl.1 (XXXVIII), 2002

I. Preamble

We, the Heads of State and Government of the Organization of African Unity, meeting in Durban, South Africa, at the 38th Ordinary Session of the Assembly of the OAU, have considered the Report of the Secretary General on strengthening the role of the OAU in election observation and monitoring and the advancement of the democratization process.

Considering the principles and objectives of the African Union enshrined in the Constitutive Act of the African Union, particularly in its Articles 3 and 4;

Reaffirming the Algiers Decision of July 1999 and the Lomé Declaration of July 2000 on the Framework for an OAU response to unconstitutional changes of government, which laid down a set of common values and principles for democratic governance;

Considering the CSSDCA Solemn Declaration adopted by the Assembly of Heads of State and Government of the OAU in Lomé, Togo, in July 2000, which underpins the OAU's agenda of promoting democracy and democratic institutions in Africa;

Considering the New African Initiative (NAI) now referred to as the New Partnership for the African's Development (NEPAD) adopted by the Assembly of the Heads of State and Government in Lusaka, Zambia, in July 2001, by which, through the Democracy and Political Governance Initiative, African Leaders undertook to promote and protect democracy and human rights in their respective countries and regions, by developing clear standards of accountability and participatory governance at the national and sub-regional levels;

Reaffirming the importance of the Universal Declaration of Human Rights adopted in December 1948, as well as the International Covenant on Civil and Political Rights adopted in December 1966, which recognized the will of the people expressed through free and fair elections as the basis of the authority of government;

Reaffirming also the significance of the African Charter on Human and Peoples' Rights adopted in Nairobi, Kenya, in June 1981, which recognized the right of every citizen to participate freely in the government of his or her country whether directly or through democratically elected representatives;

Recalling the Declaration of the Assembly of Heads of State and Government of the Organization of African Unity on the Political and Socio-economic Situation in Africa and the Fundamental Changes Taking Place in the World, adopted in Addis Ababa, Ethiopia, in July 1990 wherein OAU Member States undertook to continue with the democratization of African societies and the consolidation of the democratic institutions;

Recalling further the African Charter for Popular Participation in Development adopted in Addis Ababa, Ethiopia, in July 1990, which emphasized the need to involve the people of Africa in the spheres of economic and political governance;

Referring to the Cairo Agenda for Action adopted in Cairo, Egypt, in 1995, which stressed the imperative of ensuring good governance through popular participation based on the respect for human rights and dignity, free and fair elections, as well as on the respect of the principles of freedom of the press, speech, association and conscience;

Cognizant of the fact that each Member State has the sovereign right to choose its political system in accordance with the will of its people and in conformity with the Constitutive Act of the African Union and the universally accepted principles of democracy;

Considering the ever-growing role already played by the OAU in the observation/monitoring of elections and the need to strengthen the Organization's efforts in advancing democracy in Africa;

Agree and endorse the following Principles Governing Democratic Elections in Africa:

II. PRINCIPLES OF DEMOCRATIC ELECTIONS

1. Democratic elections are the basis of the authority of any representative government;
2. Regular elections constitute a key element of the democratization process and therefore, are essential ingredients for good governance, the rule of law, the maintenance and promotion of peace, security, stability and development;
3. The holding of democratic elections is an important dimension in conflict prevention, management and resolution;
4. Democratic elections should be conducted:
 - a) freely and fairly;
 - b) under democratic constitutions and in compliance with supportive legal instruments;
 - c) under a system of separation of powers that ensures in particular, the independence of the judiciary;
 - d) at regular intervals, as provided for in National Constitutions;
 - e) by impartial, all-inclusive competent accountable electoral institutions staffed by well-trained personnel and equipped with adequate logistics;

III. RESPONSIBILITIES OF THE MEMBER STATES

We commit our Governments to:

- a) take necessary measures to ensure the scrupulous implementation of the above principles, in accordance with the constitutional processes of our respective countries;
- b) establish where none exist, appropriate institutions where issues such as codes of conduct, citizenship, residency, age requirements for eligible voters, compilation of voters' registers, etc would be addressed;
- c) establish impartial, all-inclusive, competent and accountable national electoral bodies staffed by qualified personnel, as well as competent legal entities including effective constitutional courts to arbitrate in the event of disputes arising from the conduct of elections;
- d) safeguard the human and civil liberties of all citizens including the freedom of movement, assembly, association, expression, and campaigning as well as access to the media on the part of all stakeholders, during electoral processes;

- e) promote civic and voters' education on the democratic principles and values in close cooperation with the civil society groups and other relevant stakeholders;
- f) take all necessary measures and precautions to prevent the perpetration of fraud, rigging or any other illegal practices throughout the whole electoral process, in order to maintain peace and security,;
- g) ensure the availability of adequate logistics and resources for carrying out democratic elections, as well as ensure that adequate provision of funding for all registered political parties to enable them organise their work, including participation in electoral process.;
- h) ensure that adequate security is provided to all parties participating in elections;
- i) ensure the transparency and integrity of the entire electoral process by facilitating the deployment of representatives of political parties and individual candidates at polling and counting stations and by accrediting national and/other observers/monitors;
- j) encourage the participation of African women in all aspects of the electoral process in accordance with the national laws.

IV. ELECTIONS: RIGHTS AND OBLIGATIONS

We reaffirm the following rights and obligations under which democratic elections are conducted:

1. Every citizen shall have the right to participate freely in the government of his or her country, either directly or through freely elected representatives in accordance with the provisions of the law.
2. Every citizen has the right to fully participate in the electoral processes of the country, including the right to vote or be voted for, according to the laws of the country and as guaranteed by the Constitution, without any kind of discrimination.
3. Every citizen shall have the right to free association and assembly in accordance with the law.
4. Every citizen shall have the freedom to establish or to be a member of a political party or Organization in accordance with the law.
5. Individuals or political parties shall have the right to freedom of movement, to campaign and to express political opinions with full access to the media and information within the limits of the laws of the land.
6. Individual or political parties shall have the right to appeal and to obtain timely hearing against all proven electoral malpractices to the competent judicial authorities in accordance with the electoral laws of the country.
7. Candidates or political parties shall have the right to be represented at polling and counting stations by duly designated agents or representatives.
8. No individual or political party shall engage in any act that may lead to violence or deprive others of their constitutional rights and freedoms. Hence all stakeholders should refrain

from, among others, using abusive language and/or incitement to hate or defamatory allegations and provocative language. These acts should be sanctioned by designated electoral authorities.

9. All stakeholders in electoral contests shall publicly renounce the practice of granting favours, to the voting public for the purpose of influencing the outcome of elections.

10. In covering the electoral process, the media should maintain impartiality and refrain from broadcasting and publishing abusive language, incitement to hate, and other forms of provocative language that may lead to violence.

11. Every candidate and political party shall respect the impartiality of the public media by undertaking to refrain from any act which might constrain or limit their electoral adversaries from using the facilities and resources of the public media to air their campaign messages.

12. Every individual and political party participating in elections shall recognize the authority of the Electoral Commission or any statutory body empowered to oversee the electoral process and accordingly render full cooperation to such a Commission/Body in order to facilitate their duties.

13. Every citizen and political party shall accept the results of elections proclaimed to have been free and fair by the competent national bodies as provided for in the Constitution and the electoral laws and accordingly respect the final decision of the competent Electoral Authorities or, challenge the result appropriately according to the law.

V. ELECTION OBSERVATION AND MONITORING BY THE OAU

We request the OAU to be fully engaged in the strengthening of the democratization process, particularly by observing and monitoring elections in our Member States, according to the following guidelines:

1. The observation and monitoring of elections shall be undertaken subject to a memorandum of understanding between the OAU General Secretariat and the host country in accordance with the principles enshrined in this Declaration and the laws of the host country.

2. In performing their obligations, the election observers or monitors shall be guided by detailed guidelines to be prepared by the General Secretariat drawing inspiration from the essential thrust of this declaration, the specific mandates and terms of reference determined by the particular case in question as well as the wider legal framework of the country staging elections.

3. Member States should ensure that invitations to the OAU to participate in election observation or monitoring are sent at least two months before the date of the election.

4. Member States should refrain from imposing any fees and/or charges on OAU observers i.e. registration/accreditation fees etc and facilitate easy access of observers/monitors to locations of electoral events/activities and unhindered in the performance of their tasks.

5. The General Secretariat shall have the right to decline invitations to monitor elections which in its considered opinion, do not measure up to the normative standards enunciated in this Declaration.

VI. ROLE AND MANDATE OF THE GENERAL SECRETARIAT

Further request the OAU Secretary General to take all necessary measures to ensure the implementation of this Declaration by undertaking, in particular, the following activities:

- a) Strengthen its role in the observation and monitoring of elections within the legal framework of the host country, in accordance with the memorandum of understanding reached with that country;
- b) Mobilize extra-budgetary funds to augment the General Secretariat resource base so as to facilitate the implementation of this Declaration;
- c) Undertake a feasibility study on the establishment of a Democratization and Electoral Assistance Fund, to facilitate a successful implementation of this Declaration.
- d) Undertake a feasibility study on the establishment within the OAU General Secretariat of a Democratization and Election Monitoring Unit that will also discharge issues on good governance;
- e) Compile and maintain a roster of African Experts in the field of election observation and monitoring and democratization in general in order to deploy competent and professional observers and to avail itself of their services whenever necessary. Member States on their part are requested to assist by making the names of their experts available to the General Secretariat;
- f) Work out better standards of procedures, preparations and treatment for personnel selected to serve on OAU observer missions.
- g) Promote cooperation and work in partnership with African Organizations and International Organizations, as well as national institutions, non-governmental Organizations and civil society groups involved in the elected monitoring and observation work.
- h) Publish and make the General Secretariat Reports on the observation/monitoring of elections and other related activities open to all Member States and the public at large, as a means of consolidating electoral and democratic processes on the continent.

7. Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (Excerpts)

The States Parties to this Protocol,

CONSIDERING that Article 66 of the African Charter on Human and Peoples' Rights provides for special protocols or agreements, if necessary, to supplement the provisions of the African Charter, and that the Assembly of Heads of State and Government of the Organization of African Unity meeting in its Thirty-first Ordinary Session in Addis Ababa, Ethiopia, in June 1995, endorsed by resolution AHG/Res.240 (XXXI) the recommendation of the African Commission on Human and Peoples' Rights to elaborate a Protocol on the Rights of Women in Africa;

CONSIDERING that Article 2 of the African Charter on Human and Peoples' Rights enshrines the principle of non-discrimination on the grounds of race, ethnic group, colour, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or other status;

FURTHER CONSIDERING that Article 18 of the African Charter on Human and Peoples' Rights calls on all States Parties to eliminate every discrimination against women and to ensure the protection of the rights of women as stipulated in international declarations and conventions;

NOTING that Articles 60 and 61 of the African Charter on Human and Peoples' Rights recognise regional and international human rights instruments and African practices consistent with international norms on human and peoples' rights as being important reference points for the application and interpretation of the African Charter;

RECALLING that women's rights have been recognised and guaranteed in all international human rights instruments, notably the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination Against Women and its Optional Protocol, the African Charter on the Rights and Welfare of the Child, and all other international and regional conventions and covenants relating to the rights of women as being inalienable, interdependent and indivisible human rights;

NOTING that women's rights and women's essential role in development, have been reaffirmed in the United Nations Plans of Action on the Environment and Development in 1992, on Human Rights in 1993, on Population and Development in 1994 and on Social Development in 1995;

RECALLING ALSO United Nations Security Council's Resolution 1325 (2000) on the role of Women in promoting peace and security;

REAFFIRMING the principle of promoting gender equality as enshrined in the Constitutive Act of the African Union as well as the New Partnership for Africa's

Development, relevant Declarations, Resolutions and Decisions, which underline the commitment of the African States to ensure the full participation of African women as equal partners in Africa's development;

FURTHER NOTING that the African Platform for Action and the Dakar Declaration of 1994 and the Beijing Platform for Action of 1995 call on all Member States of the United Nations, which have made a solemn commitment to implement them, to take concrete steps to give greater attention to the human rights of women in order to eliminate all forms of discrimination and of gender-based violence against women;

RECOGNISING the crucial role of women in the preservation of African values based on the principles of equality, peace, freedom, dignity, justice, solidarity and democracy;

BEARING IN MIND related Resolutions, Declarations, Recommendations, Decisions, Conventions and other Regional and Sub-Regional Instruments aimed at eliminating all forms of discrimination and at promoting equality between women and men;

CONCERNED that despite the ratification of the African Charter on Human and Peoples' Rights and other international human rights instruments by the majority of States Parties, and their solemn commitment to eliminate all forms of discrimination and harmful practices against women, women in Africa still continue to be victims of discrimination and harmful practices;

FIRMLY CONVINCED that any practice that hinders or endangers the normal growth and affects the physical and psychological development of women and girls should be condemned and eliminated;

DETERMINED to ensure that the rights of women are promoted, realised and protected in order to enable them to enjoy fully all their human rights;

HAVE AGREED AS FOLLOWS

...

Article 8: Access to Justice and Equal Protection before the Law

Women and men are equal before the law and shall have the right to equal protection and benefit of the law. States Parties shall take all appropriate measures to ensure:

- a) effective access by women to judicial and legal services, including legal aid;
- b) support to local, national, regional and continental initiatives directed at providing women access to legal services, including legal aid;
- c) the establishment of adequate educational and other appropriate structures with particular attention to women and to sensitise everyone to the rights of women;
- d) that law enforcement organs at all levels are equipped to effectively interpret and enforce gender equality rights;
- e) that women are represented equally in the judiciary and law enforcement organs;
- f) reform of existing discriminatory laws and practices in order to promote and protect the rights of women.

Article 9: Right to Participation in the Political and Decision-Making Process

1. States Parties shall take specific positive action to promote participative governance and the equal participation of women in the political life of their countries through affirmative action, enabling national legislation and other measures to ensure that:
 - a) women participate without any discrimination in all elections;
 - b) women are represented equally at all levels with men in all electoral processes;
 - c) women are equal partners with men at all levels of development and implementation of State policies and development programmes .
2. States Parties shall ensure increased and effective representation and participation of women at all levels of decision-making.

Article 10: Right to Peace

1. Women have the right to a peaceful existence and the right to participate in the promotion and maintenance of peace.
2. States Parties shall take all appropriate measures to ensure the increased participation of women:
 - a) in programmes of education for peace and a culture of peace;
 - b) in the structures and processes for conflict prevention, management and resolution at local, national, regional, continental and international levels;
 - c) in the local, national, regional, continental and international decision making structures to ensure physical, psychological, social and legal protection of asylum seekers, refugees, returnees and displaced persons, in particular women;
 - d) in all levels of the structures established for the management of camps and settlements for asylum seekers, refugees, returnees and displaced persons, in particular, women;
 - e) in all aspects of planning, formulation and implementation of post-conflict reconstruction and rehabilitation.
3. States Parties shall take the necessary measures to reduce military expenditure significantly in favour of spending on social development in general, and the promotion of women in particular.

...

B. ECONOMIC COMMUNITY OF CENTRAL AFRICAN STATES (ECCAS)

8. Bata Declaration for the Promotion of Lasting Democracy, Peace and Development in Central Africa

(adopted by the Subregional Conference on Democratic Institutions and Peace in Central Africa)

1. Participants in the Subregional Conference on Democratic Institutions and Peace in Central Africa, bringing together members of government, representatives of opposition parties, senior officers of the armed forces and security forces, parliamentarians and representatives of civil society from the Central African countries, met in Bata, Equatorial Guinea, from 18 to 21 May 1998, under the auspices of the United Nations Standing Advisory Committee on Security Questions in Central Africa, to consider issues related to the democratic process and peace in Central Africa.
2. Participants expressed their deep concern at the persistence of crises and conflicts in Central Africa, which had caused such loss of life, destruction and suffering in the subregion. They saw that precarious situation as a threat to the democratic process and to development in what was potentially a rich subregion.
3. They emphasized the historic opportunity offered by the Conference, which was being held during a period of major changes in Africa, characterized by the still difficult transition from an era of single political parties to one of pluralist democracy.
4. Participants noted that the Conference had made it possible for different social and political sectors to work together in the search for ways and means of strengthening peace and democracy within States and throughout the Central African subregion. In that regard, they warmly thanked the Secretary-General of the United Nations for his firm support and for the material assistance which the Organization had provided to the Committee to permit the holding of that important Conference. Participants expressed the hope that more such meetings would be held.
5. They also thanked the Secretary-General for providing constant support and encouragement to the United Nations Standing Advisory Committee on Security Questions in Central Africa, a key political mechanism for building confidence and enhancing cooperation for peace and stability in a turbulent subregion.
6. Participants recognized unanimously that, as the Secretary-General of the United Nations had stressed in his report to the General Assembly and the Security Council on the causes of conflict and the promotion of durable peace and sustainable development in Africa, democratic government helped to guarantee political rights, protect economic freedoms and foster an environment where peace and development could flourish.
7. Accordingly, and convinced of the need to establish in their subregion open political systems which permitted the full participation of all social and political forces, they reiterated their firm commitment to promoting democracy in their own States and to contributing to the stability of the Central African subregion as a whole.

8. They reaffirmed the sovereign right of each State to establish a political, social and economic system appropriate to its own culture and to determine the rate at which its institutions would be democratized, while respecting universal principles, particularly those set forth in regional and international instruments such as the Charter of the United Nations, the Charter of the Organization of African Unity, the African Charter of Human and Peoples' Rights and the Universal Declaration of Human Rights.

9. They recognized that the establishment of solid democratic foundations in each member State, and in the subregion as a whole, would help to increase stability, strengthen the bases for conflict prevention and promote sustainable socio-economic development in Central Africa.

10. They emphasized that, despite all the pitfalls, it was necessary to persevere on the road to democratization, which was not an isolated event but a continuing process, in order to create the ideal conditions for the prosperity of the States and peoples of the entire subregion.

11. While reaffirming the sovereign right of each nation to determine the nature and rate of democratization of its institutions, they recognized unanimously that that process must inevitably lead to the development of a dynamic political system capable of allowing the full expression of the people's will and based on the following principles:

- respect for the rule of law;
- efforts to combat impunity;
- political pluralism;
- the organization of free, transparent and honest elections;
- freedom of the press;
- independence of the judiciary;
- respect for human rights and human dignity;
- promotion of a genuine, essentially non-violent democratic culture; and
- the practice of dialogue and tolerance.

Recommendations

12. In order to provide a sustainable basis for the democratization process and to strengthen peace in the Central African subregion, participants adopted the following measures and recommended the creation of the following mechanisms at the inter-State and internal levels:

At the inter-State level

(a) In response to a proposal by His Excellency Mr. Teodoro Obiang Nguema Mbasogo, Head of State of Equatorial Guinea, the Conference recommended that a subregional parliament should be established in Central Africa as soon as possible. That parliament, which would be responsible for dealing with issues of common interest designed to strengthen confidence-

building measures and peace in the subregion, would be composed of parliamentarians elected in pluralist, democratic elections in their respective countries and appointed by their national parliaments. The subregional parliament would serve as a key mechanism for cooperation and for the promotion of democratic values and the democratic experiment in Central Africa and would meet in the member countries on a rotating basis.

(b) Convinced that the democratization process involved not only politicians but also peoples, and in order to give the subregional parliament all the support that it deserved, participants recommended that representatives of civil society, particularly organizations for the protection and promotion of human rights, organizations for enhancing the status of women and youth movements, should be given permanent observer status in the parliament.

(c) Participants instructed the Government of Equatorial Guinea, in consultation with the current President of the Bureau of the United Nations Standing Advisory Committee on Security Questions in Central Africa, to notify the Secretary-General of the United Nations and the international community as a whole in order to facilitate the early establishment of the subregional parliament.

(d) Participants reiterated that it was urgently necessary for all States of the Central African subregion to sign and scrupulously observe the Non-Aggression Pact jointly negotiated, adopted and signed by them in order to avoid resorting to the use of force in their reciprocal relations. They again called upon Angola and Rwanda to sign the Pact and invited signatory States to ratify it.

(e) Aware of the vital importance of establishing and ensuring the effectiveness of democratic institutions in the subregion, participants appealed to the international community to help train competent national personnel, particularly in the areas of election organization and the proper functioning of democratic institutions.

(f) In order to give the peoples of the subregion a better understanding of the ideals of peace and a democratic culture in Central Africa, the Conference requested the Secretary-General of the United Nations to facilitate the publication and wide dissemination of the results of the historic Bata Conference.

At the internal level

(a) Stressing the need for scrupulous respect for the rule of law, participants unequivocally condemned the use of armed force as a means of winning and retaining political power.

(b) Participants recalled that the role of the armed forces was to guarantee republican institutions, due respect for the law and the stability of the State governed by the rule of law.

(c) Convinced that good governance and transparent management of public affairs would promote public well-being and improved economic performance in the subregion as a whole, participants stressed the need to combat corruption and impunity.

(d) Participants reaffirmed that respect for the civil and political rights of individuals, human rights and the rule of law as a guarantor of equity and social justice was the best safeguard against threats to the peace and internal security of States and to the strengthening of democracy.

13. Participants recommended that there should be more frequent contacts between politicians and civil society both within and among the various member countries of the Committee, in order to build public confidence in State institutions and to make elected officials accountable once more to the State and the general public.

Done at Bata on 21 May 1998

C. ECONOMIC COMMUNITY OF WEST AFRICAN STATES (ECOWAS)

9. Treaty of Ecowas (Excerpts)

PREAMBLE

We, the Heads of State and Government of the Member States of the Economic Community of West African States (ECOWAS)

...

BEARING IN MIND the African Charter on Human and People's Rights and the Declaration of Political Principles of the Economic Community of West African States adopted in Abuja by the Fourteenth Ordinary Session of the Authority of Heads of State and Government on 6 July, 1991;

HAVE DECIDED to revise the Treaty of 28 May, 1975 establishing the Economic Community of West African States (ECOWAS) and have accordingly agreed as follows:

...

ARTICLE 4 : FUNDAMENTAL PRINCIPLES

THE HIGH CONTRACTING PARTIES, in pursuit of the objectives stated in Article 3 of this Treaty, solemnly affirm and declare their adherence to the following principles:

...

g) recognition promotion and protection of human and peoples' rights in accordance with the provisions of the African Charter on Human and Peoples' Rights;

h) accountability, economic and social justice and popular participation in development;

i) recognition and observance of the rules and principles of the Community;

j) promotion and consolidation of a democratic system of governance in each Member State as envisaged by the Declaration of Political Principles adopted in Abuja on 6 July, 1991;

...

CHAPTER X CO-OPERATION IN POLITICAL, JUDICIAL AND LEGAL AFFAIRS, REGIONAL SECURITY AND IMMIGRATION

ARTICLE 56 POLITICAL AFFAIRS

1 . In pursuit of the integration objectives of the Community, Member States undertake to cooperate on political matters, and in particular, to take appropriate measures to ensure effective application of the provisions of this Treaty.

2. The signatory States to the Protocol on Non-Aggression the Protocol on Mutual Assistance on Defence, the Community Declaration of Political Principles and the African Charter on Human

and Peoples' Rights agree to co-operate for the purpose of realizing, the objectives of these instruments.

...

ARTICLE 58 REGIONAL SECURITY

1 . Member States undertake to work to safeguard and consolidate relations conducive to the maintenance of peace, stability and security within the region.

2. In pursuit of these objectives, Member States undertake to co-operate with the Community in establishing and strengthening appropriate mechanisms for the timely prevention and resolution of intra-State and inter-State conflicts, paying particular regard to the need to:

...

g) provide, where necessary and at the request of Member States, assistance to Member States for the observation of democratic elections.

...

**10. Declaration of Political Principles of
the ECOWAS (A/DCL.1/7/91)**
ABUJA, 4 – 6 JULY 1991

(Excerpts)

**WE, HEADS OF STATE AND GOVERNMENT OF THE ECONOMIC
COMMUNITY OF WEST AFRICAN STATES (ECOWAS),
MEETING** in Authority in Abuja, Federal Republic of Nigeria on 4,5 and 6 July 1991;

COMMITTED to the imperative of upholding the ideals of the Treaty establishing ECOWAS;

DETERMINED to realize the aims and objectives of ECOWAS especially the integration of the countries of our sub-region through the harmonization of our national economic, social and political policies;

REAFFIRMING the objectives of promoting better relations among ourselves by ensuring a stable and secure political environment, in which our peoples can live in freedom under the law and in true and lasting peace, free from any threat to or attempt against their security, in which we can pursue a speedy and effective realization of the objectives of ECOWAS;

DETERMINED to concert our efforts to promote democracy in the sub-region on the basis of political pluralism and respect for fundamental human rights as embodied in universally recognized international instruments on human rights and in the African Charter on Human and Peoples Rights;

...

HEREBY DECLARE our full adherence to the following principles in order to enhance the prospects of advancing our economic cooperation and integration in a political environment of peace, security and stability:

1. We reaffirm the provisions of the Protocol on Non-Aggression adopted on 22 April 1978 and our commitment to securing peace and maintaining stability in the ECOWAS sub-region by promoting increasingly better relations among ourselves, strengthening good neighborliness and ensuring conditions in which our peoples can live in freedom under the law and in true and lasting peace, free from any threat to or against their security.

...

4. We will respect human rights and fundamental freedoms in all their plentitude including in particular freedom of thought, conscience, association, religion or belief for all our peoples without distinction as to race, sex, language or creed.

5. We will promote and encourage the full enjoyment by all our peoples of their fundamental human rights, especially their political, economic, social, cultural and other rights inherent in the dignity of the human person and essential to his free and progressive development.

6. We believe in the liberty of the individual and in his inalienable right to participate by means of free and democratic processes in the framing of the society in which he lives. We will therefore strive to encourage and promote in each our countries, political pluralism and those representative institutions and guarantees for personal safety and freedom under the law that are our common heritage.

•••

8. We rededicate ourselves and reaffirm our collective determination to take all necessary measures to ensure the speedy and effective realization of the aims and objectives enshrined in the ECOWAS Treaty and related instruments and to fulfill in good faith all our obligations under them.

IN FAITH WHEREOF, WE, THE HEADS OF STATE AND GOVERNMENT OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES (ECOWAS) HAVE SIGNED THIS DECLARATION.
DONE AT ABUJA, THIS 6TH DAY OF JULY.

11. Protocol on Democracy and Good Governance (A/SP1/12/01)

Supplementary to the Protocol relating to the mechanism for conflict prevention management, resolution, peacekeeping and security

Executive Secretary
Dakar, December 2001
(Excerpts)

PREAMBLE

We, the Heads of State and Government of the Member States of the Economic Community of West African States (ECOWAS),

MINDFUL of the ECOWAS Treaty signed in Cotonou on 24th July 1993, notably its Article 58;

MINDFUL of the Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security signed in Lomé on 10th December 1999;

CONSIDERING all the issues enumerated or reaffirmed in the preamble to the Protocol of 10th December 1999 referred to above;

MINDFUL of the principles set out in the OAU Solemn Declaration on Security, Stability, Development and Cooperation in Africa adopted in Abuja on 8 and 9 May 2000 and the Decision AHG. DEC 142 (XXV) on the framework for OAU'S reaction to unconstitutional change of government, adopted by Algiers in July 1999;

CONSIDERING the Harare Declaration adopted by the Commonwealth on 20 December 1991 and the Bamako Declaration adopted by the member countries of the Francophonie on 3 November 2000;

CONSIDERING also the Cotonou Declaration adopted on 6 December 2000 at the end of the 4th international conference on new or restored democracies;

RECALLING that women's rights have been recognized and guaranteed in all international human rights instruments, notably the Universal Declaration of Human Rights, the African Charter on Human and Peoples Rights and the Convention on the Elimination of all forms of Discrimination Against Women;

MINDFUL of the ratification of the African Charter on Human and Peoples Rights and other international human rights instruments by the majority of the Member States and their solemn commitment to eliminate all forms of discrimination and harmful practices against women;

CONCERNED about the increasing wave of international terrorism;

CONCERNED also about the increasing incidence of conflicts caused by religious intolerance, political marginalisation and non-transparent elections;

HAVING OBSERVED that to become really effective, the Protocol of 10 December 1999 needs to be complemented through the incorporation of provisions concerning issues such as prevention of internal crises, democracy and good governance, the rule of law, and human rights;

HAVING DECIDED to enhance the ECOWAS Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security;

HAVE AGREED AS FOLLOWS:

...

Chapter 1

PRINCIPLES

The provisions of this chapter complement and clarify the principles set out in Article 2 of the Protocol of 10th December 1999.

SECTION 1: CONSTITUTIONAL CONVERGENCE PRINCIPLES

Article 1

The following shall be declared as constitutional principles shared by all Member States:

- a)
 - Separation of powers – the Executive, Legislative and Judiciary.
 - Empowerment and strengthening of parliaments and guarantee of parliamentary immunity.
 - Independence of the Judiciary: Judges shall be independent in the discharge of their duties.
 - The freedom of the members of the Bar shall be guaranteed; without prejudice to their penal or disciplinary responsibility in the event of contempt of court or breaches of the common law.
- b) Every accession to power must be made through free, fair and transparent elections.
- c) Zero tolerance for power obtained or maintained by unconstitutional means.
- d) Popular participation in decision-making, strict adherence to democratic principles and decentralization of power at all levels of governance.
- e) The armed forces must be apolitical and must be under the command of a legally constituted political authority; no serving member of the armed forces may seek to run for elective political.
- f) Secularism and neutrality of the State in all matters relating to religion; freedom for each individual to practise, within the limits of existing laws, the religion of his/her choice everywhere on the national territory. The secularism shall extend to all parts of the State, but shall not deprive the State of the right to regulate, with due respect to human rights, the different religions practiced on the national territory or to intervene when law and order break down as a result of any religious activity.
- g) The State and all its institutions belong to all the citizens; therefore none of their decisions and actions shall involve any form of discrimination, be it on an ethnic, racial, religion or regional basis.
- h) The rights set out in the African Charter on Human and Peoples' Rights and other international instruments shall be guaranteed in each of the ECOWAS Member States; each individual or organization shall be free to have recourse to the common or civil law courts, a court of special jurisdiction, or any other national institution established within the framework of an international instrument on Human Rights, to ensure the protection of his/her rights. In the absence of a court of special jurisdiction, the present Supplementary Protocol shall be regarded as giving the necessary powers to common or civil law judicial bodies.

i) Political parties shall be formed and shall have the right to carry out their activities freely, within the limits of the law. Their formation and activities shall not be based on ethnic, religious, regional or racial considerations. They shall participate freely and without hindrance or discrimination in any electoral process. The freedom of the opposition shall be guaranteed. Each Member State may adopt a system for financing political parties, in accordance with criteria set under the law.

j) The freedom of association and the right to meet and organize peaceful demonstrations shall also be guaranteed.

k) The freedom of the press shall be guaranteed.

l) All former Heads of State shall enjoy a special status including freedom of movement. They shall enjoy special benefits compatible to their status as former Heads of State.

SECTION II: ELECTIONS:

Article 2

1. No substantial modification shall be made to the electoral laws in the last six (6) months before the elections, except with the consent of a majority of Political actors.

2. All the elections shall be organized on the dates or at periods fixed by the Constitution or the electoral laws.

3. Member States shall take all appropriate measures to ensure that women have equal rights with men to vote and be voted for in elections, to participate in the formulation of government policies and the implementation thereof and to hold public offices and perform public functions at all levels of governance.

Article 3

The bodies responsible for organizing the elections shall be independent or neutral and shall have the confidence of all the political actors. Where necessary, appropriate national consultations shall be organized to determine the nature and the structure of the bodies.

Article 4

1. Each ECOWAS Member State shall ensure the establishment of a reliable registry of births and deaths. A central registry shall be established in each Member State.

2. Member States shall cooperate in this area with a view to exchanging experiences and where necessary providing technical assistance to each other in the production of reliable voters' lists.

Article 5

The voters' lists shall be prepared in a transparent and reliable manner, with the collaboration of the political parties and voters who may have access to them whenever the need arises.

Article 6

The preparation and conduct of elections and the announcement of results shall be done in a transparent manner.

Article 7

Adequate arrangements shall be made to hear and dispose of all petitions relating to the conduct of elections and announcement of results.

Article 8

Member States shall use the services of civil society organizations involved in electoral matters to educate and enlighten the public on the need for peaceful elections devoid of all acts of violence.

Article 9

The party and/or candidate who loses the elections shall concede defeat to the political party and/or candidate finally declared the winner, following the guidelines and within the deadline stipulated by the law.

Article 10

All holders of power at all levels shall refrain from acts of intimidation or harassment against defeated candidates or their supporters.

SECTION II: ELECTION MONITORING AND ECOWAS ASSISTANCE

Article 11

The provisions of Article 42 of the Protocol of 10th December 1999 hereby complemented by the provisions under this section.

Article 12

1. At the request of any Member State, ECOWAS may provide assistance in the conduct of any election.
2. Such assistance may take any form.
3. Also, ECOWAS may dispatch a monitoring team to the country concerned for the purpose of monitoring the elections.
4. The decision in this respect shall be taken by the Executive Secretary.

Article 13

1. As elections in a Member State approach, the Executive Secretary shall dispatch a fact-finding Mission to the Member State conducting an election.
2. This mission may be followed by an exploratory Mission aimed at:
 - Collecting all texts governing the elections concerned;
 - Gathering all information on the conditions under which the elections shall be conducted;
 - Collecting all pertinent information relating to the contesting candidates or political parties;
 - Meeting all candidates, political party leaders, government authorities and other competent bodies;
 - Assessing the status of preparations for the elections;
 - Gathering any other useful information that may provide a clear picture of the situation.

Article 14

1. The Executive Secretary shall appoint the leader and the members of the Observer/Supervisory Mission, who shall be independent persons and Nationals of Member States other than the Member State conducting the Elections.
2. The Members of the Mission shall include women.
3. Staff of the Executive Secretariat shall be designated to assist the Mission.

Article 15

1. The Observer/Supervisory Mission, with the documents collected by the exploratory Mission and the report prepared by the Mission, shall arrive in the Member State concerned at least forty-eight hours prior to the conduct of the elections.
2. The Observer/Supervisory Mission may be preceded by ECOWAS Staff, who shall prepare the meetings to be held between the Mission and the national authorities.
3. The Mission shall be expected to hold consultations with the relevant authorities of the host government for an exchange of views and in order to determine the mode of deployment in the host Member State.
4. It may establish cooperation links with NGO or any other observer team while maintaining its autonomy.
5. The members of the Mission shall show restraint and refrain from making any individual statement. Any statement shall be made collectively and on behalf of the Mission by the team leader or a spokesperson appointed for this purpose.

Article 16

1. The Mission shall remain in the country throughout the election period and until the election results are announced.
2. The Mission shall also submit a report to the Executive Secretary.
3. The Report shall comprise:
 - The Mission's own observations;
 - Statements by witnesses;
 - Its assessment of the conduct of the elections from the point of view of the national laws governing the elections and the universal principles in electoral matters;
 - Its recommendations for the improvement of the conduct of future elections and monitoring Missions.

Article 17

1. The Observer/Supervisory Mission's report shall be signed by all Members of the Mission and submitted to the Executive Secretary by the Mission's leader within fifteen (15) days with effect from the date of accomplishment of the Mission.
2. Before leaving the host country, the Mission shall convene a consultative meeting for the preparation of the report.
3. Any member of the Mission, who is unable to attend the meeting, shall submit a report in writing to the Mission's leader before leaving the country.
4. ECOWAS Staff shall assist the Mission in the preparation of the report.

Article 18

The report shall be forwarded by the Executive Secretary, together with his own observations, if necessary, to the Mediation and Security Council for recommendations to be made to the country concerned and/or to all Member States, and for measures to be taken, where necessary.

SECTION IV: THE ROLE OF THE ARMED FORCES, THE POLICE AND THE SECURITY FORCES IN A DEMOCRACY

Article 19

1. The armed forces and police shall be non-partisan and shall remain loyal to the nation. The role of the armed forces shall be to defend the independence and the territorial integrity of the State and its democratic institutions.
2. The police and other security agencies shall be responsible for the maintenance of law and order and the protection of persons and their properties.
3. The armed forces, the police and other security agencies shall participate in ECOMOG missions as provided for in Article 28 of the Protocol.
4. They may also, on the decision of the constitutionally constituted authorities, participate in peacekeeping missions under the auspices of the African Union or the United Nations.
5. Members of the armed forces may be drafted to participate in national development projects.

Article 20

1. The armed forces, the police and other security agencies shall be under the authority of legally constituted civilian authorities.
2. The civilian authorities shall respect the apolitical nature of the armed forces and police. All political or trade union activities and propaganda shall be forbidden in the barracks and within the armed forces.

Article 21

The armed and security forces personnel as citizens, shall be entitled to all the rights set out in the constitution, except as may be stated otherwise in their special regulations.

Article 22

1. The use of arms to disperse non-violent meetings or demonstrations shall be forbidden. Whenever a demonstration becomes violent, only the use of minimal and/or proportionate force shall be authorized.
2. All cruel, inhuman and degrading treatment shall be forbidden.
3. The security forces, while carrying out investigations, shall not disturb or arrest family members or relations of the person presumed guilty or suspected of having committed an offence.

Article 23

1. The armed forces, the police and other security agencies shall during their training receive instructions on the Constitution of their country, ECOWAS principles and regulations, human rights, humanitarian law and democratic principles. In this regard, seminars and meetings bringing together members of the armed forces, Police and other Security agencies and other sectors of society shall be organized from time to time.
2. Joint training sessions shall also be arranged for members of the armed forces from different ECOWAS countries, the police, other security forces, university dons and members of the civil society.

Article 24

1. The Member States undertake to strengthen their national agencies responsible for preventing and combating terrorism.
2. In accordance with Articles 3(d) and 16(1) of the Protocol, the Department of Political Affairs, Defence and Security of the Executive Secretariat shall initiate joint activities for the national agencies of Member States in charge of preventing and combating terrorism.

...

SECTION VII: RULE OF LAW, HUMAN RIGHTS AND GOOD GOVERNANCE

Article 32

Member States agree that good governance and press freedom are essential for preserving social Justice, preventing conflict, guaranteeing political stability and peace and for strengthening democracy.

Article 33

1. Member States recognize that the rule of law involves not only the promulgation of good laws that are in conformity with the provisions on human rights, but also a good judicial system, a good system of administration, and good management of the State apparatus.
2. They are also convinced that a system that guarantees smooth running of the State and its administrative and judicial services, contributes to the Consolidation of the rule of law.

Article 34

1. Member States and the Executive Secretariat shall endeavour to adopt at national and regional levels, practical modalities for the enforcement of the rule of law, human rights, justice and good governance.
2. Member States shall ensure accountability, professionalism, transparency, and expertise in the public and private sectors.

Article 35

1. Member States shall establish independent national institutions to promote and protect human rights.
2. The Executive Secretariat shall take measures to strengthen their capacities. The institutions shall be organized into a regional network. Within the framework of this network, each national institution shall systematically submit to the Executive Secretariat, any report on human rights violations observed on its territory. Such reports and reactions of governments shall be widely disseminated through the most appropriate means.

Article 36

Member States shall institutionalize a national mediation system.

Article 37

1. Each Member State shall work towards ensuring pluralism of the information sector and the development of the media.
2. Each Member State may give financial assistance to privately-owned media. The distribution and allocation of such assistance shall be done by an Independent national body or by a body freely instituted by the journalists Themselves.

Article 38

1. Member States undertake to fight corruption and manage their national resources in a transparent manner, ensuring that they are equitably distributed.
2. In this regard, Member States and the Executive Secretariat undertake to establish appropriate mechanisms to address issues of corruption within the Member States and at the Community level.

Article 39

Protocol A/P1/7/91 adopted in Abuja on 6 July 1991 relating to the Community Court of Justice, shall be reviewed so as to give the Court the power to hear, inter-alia, cases relating to violations of human rights, after all attempts to resolve the matter at the national level have failed.

...

Chapter II

MODALITIES FOR IMPLEMENTATION AND SANCTIONS

Article 44

1. This Article complements the provisions of Chapter V of the Protocol of 10th December 1999.
2. In order to give full force to the provision of Article 28 of this Supplementary Protocol and in accordance with Article 57 of the Treaty, a legal convention Incorporating, if need be, Convention A/P1/7/91 relating to mutual assistance In criminal matters, and the Convention A/P1/8/94 on Extradition shall be Elaborated and adopted not later than twelve months after the entry into force Of this Supplementary Protocol.

Article 45

1. In the event that democracy is abruptly brought to an end by any means or where there is massive violation of Human Rights in a Member State, ECOWAS may impose sanctions on the State concerned.
2. The sanctions which shall be decided by the Authority, may take the following forms, in increasing order of severity:
 - Refusal to support the candidates presented by the Member State concerned for elective posts in international organizations;
 - Refusal to organize ECOWAS meetings in the Member State concerned;
 - Suspension of the Member State concerned from all ECOWAS decisionmaking bodies.During the period of the suspension the Member State shall be obliged to pay its dues for the period.
3. During the period of suspension, ECOWAS shall continue to monitor, encourage and support the efforts being made by the suspended Member State to return to normalcy and constitutional order.
4. On the recommendation of the Mediation and Security Council, a decision may be taken at the appropriate time to proceed as stipulated in Article 45 of the Protocol of 10th December 1999.

Chapter III

GENERAL AND FINAL PROVISIONS

Article 46

This Supplementary Protocol shall form an integral part of the Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security, signed in Lome on 10th December 1999.

...

ENTRY INTO FORCE

This Supplementary Protocol shall enter into force upon ratification by at least nine (9) signatory States in accordance with the constitutional procedures of each Member State.

Article 50

DEPOSITORY AUTHORITY

This Supplementary Protocol and all instruments of ratification shall be deposited with the Executive Secretariat which shall transmit certified true copies to all Member States and notify them of the dates of deposit of instruments of ratification by the Member States and shall register it with the Organization of African Unity (OAU)/African Union (AU), as well as the United Nations (UN) and any other organization as may be decided by the Council.

IN FAITH WHEREOF, WE, THE HEADS OF STATE AND GOVERNMENT OF THE MEMBER STATES OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES (ECOWAS) HAVE SIGNED THIS SUPPLEMENTARY PROTOCOL, IN SINGLE ORIGINAL IN THE ENGLISH, FRENCH AND PORTUGUESE LANGUAGES, ALL TEXTS BEING EQUALLY AUTHENTIC. DONE AT DAKAR ON THIS 21ST DAY OF DECEMBER 2001.

D. SOUTHERN AFRICAN DEVELOPMENT COMMUNITY (SADC)

12. Treaty of the SADC (Excerpts)

PREAMBLE

WE, the Heads of State or Government of:

The People's Republic of Angola

The Republic of Botswana

The Kingdom of Lesotho

The Republic of Malawi

The Republic of Mozambique

The Republic of Namibia

The Kingdom of Swaziland

The United Republic of Tanzania

The Republic of Zambia

The Republic of Zimbabwe

HAVING REGARD to the objectives set forth in "Southern Africa: Toward Economic Liberation - A Declaration by the Governments of Independent States of Southern Africa, made at Lusaka, on the 1st April, 1980";

IN PURSUANCE of the principles of " Towards a Southern African Development Community - A Declaration made by the Heads of State or Government of Southern Africa at Windhoek, in August, 1992," which affirms our commitment to establish a Development Community in the Region;

DETERMINED to ensure, through common action, the progress and well-being of the people of Southern Africa;

CONSCIOUS of our duty to promote the interdependence and integration of our national economies for the harmonious, balanced and equitable development of the Region;

CONVINCED of the need to mobilise our own and international resources to promote the implementation of national, interstate and regional policies, programmes and projects within the framework for economic integration;

DEDICATED to secure, by concerted action, international understanding, support and co-operation;

MINDFUL of the need to involve the people of the Region centrally in the process of development and integration, particularly through the guarantee of democratic rights, observance of human rights and the rule of law;

RECOGNISING that, in an increasingly interdependent world, mutual understanding, good neighbourliness, and meaningful co-operation among the countries of the Region are indispensable to the realisation of these ideals;

TAKING INTO ACCOUNT the Lagos Plan of Action and the Final Act of Lagos of April 1980, and the Treaty establishing the African Economic Community signed at Abuja, on the 3rd of June, 1991;

BEARING IN MIND the principles of international law governing relation between States;

Have decided to establish an international organisation to be known as the Southern African Development Community (SADC), and hereby agree as follows:

...

Chapter three

...

PRINCIPLES, OBJECTIVES, SADC COMMON AGENDA AND GENERAL UNDERTAKINGS

...

ARTICLE 4

PRINCIPLES

SADC and its Member States shall act in accordance with the following principles:

...

c. human rights, democracy and the rule of law;

ARTICLE 5

OBJECTIVES

1. The objectives of SADC shall be to:

...

b. promote common political values, systems and other shared values which are transmitted through institutions which are democratic, legitimate and effective;

c. consolidate, defend and maintain democracy, peace, security and stability;

ARTICLE 6

GENERAL UNDERTAKINGS

1. Member States undertake to adopt adequate measures to promote the achievement of the objectives of SADC, and shall refrain from taking any measure likely to jeopardise the sustenance of its principles, the achievement of its objectives and the implementation of the provisions of this Treaty.

2. SADC and Member States shall not discriminate against any person on grounds of gender, religion, political views, race, ethnic origin, culture, ill health, disability, or such other ground as may be determined by the Summit.

3. SADC shall not discriminate against any Member State.

4. Member States shall take all steps necessary to ensure the uniform application of this Treaty.
5. Member States shall take all necessary steps to accord this Treaty the force of national law.
6. Member States shall co-operate with and assist institutions of SADC in the performance of their duties.

•••

13. The SADC Regional Indicative Strategic Development Plan (RISDP)
(Excerpts)

...

CHAPTER 1: THE SADC FRAMEWORK FOR INTEGRATION

...

1.2 THE SADC VISION AND MISSION

...

1.2.2 Mission

The RISDP is also underpinned by the SADC mission statement. From the 1992 Declaration and the Report on the Review of the Operations of SADC Institutions, particularly from the objectives and strategies spelt out in Article 5 of the Treaty, the SADC Mission Statement is: "To promote sustainable and equitable economic growth and socio-economic development through efficient productive systems, deeper co-operation and integration, good governance, and durable peace and security, so that the region emerges as a competitive and effective player in international relations and the world economy".

The pursuit of this mission is guided by the following principles, which are stated in Article 4 of the SADC Treaty:

...

3. human rights, democracy, and the rule of law;

1.3 THE SADC COMMON AGENDA

The SADC Common Agenda is spelt out in Article 5 of the Treaty as amended, as well as in the Report on The Review of Operations of SADC Institutions and consists of the policies and strategies of the organisation. The policies of SADC are to:

...

- promote common political values, systems and other shared values which are transmitted through institutions which are democratic, legitimate, and effective;
- consolidate, defend and maintain democracy, peace, security and stability.

...

1.5 KEY INTEGRATION AND DEVELOPMENT ENABLERS

1.5.1 Peace, Security, Democracy and Good Political Governance

SADC Member States are committed to "promote common political values, systems and other shared values which are transmitted through institutions that are democratic, legitimate, and effective" (SADC Treaty Article 5).

In line with this, SADC firmly acknowledges that economic growth and development will not be realised in conditions of political intolerance, the absence of the rule of law, corruption, civil strife and war. SADC Member States are cognisant of the fact that poverty thrives under such conditions, nurturing further political instability and conflict, creating a destructive repetitive cycle, which perpetuates under-development and extreme deprivation.

SADC Member States are also committed to the ideals of the AU and the NEPAD programme which identifies democracy and political governance, including peace and security, conflict management, post-conflict reconciliation, rehabilitation and reconstruction, and the combating of illicit trafficking in arms and related materials, as essential prerequisites for achieving sustainable development. This is consistent with the approach in the RISDP, which has however added trafficking in drugs and human beings to this list.

In the SADC context, NEPAD is embraced as a credible and relevant continental framework, and this RISDP as a regional expression and vehicle towards the ideals contained therein. Therefore, in view of the fact that NEPAD has already set out the required actions, and that SADC is in the process of elaborating strategies and programmes through the Strategic Indicative Plan for the Organ on Politics, Defense and Security, these will not be repeated in this RISDP.

14. SADC Principles and Guidelines Governing Democratic Elections

1. INTRODUCTION

SADC region has made significant strides in the consolidation of the citizens' participation in the decision-making processes and consolidation of democratic practice and institutions. The Constitutions of all SADC Member States enshrine the principles of equal opportunities and full participation of the citizens in the political process.

The Southern African countries, building upon their common historical and cultural identity forged over centuries, agreed to encapsulate their commonality into a single vision, that of a SHARED FUTURE. In this context, in 1992 the Southern African countries meeting in Windhoek, the Republic of Namibia, signed a Treaty establishing the Southern African Development Community (SADC).

Article 4 of the Treaty stipulates that "human rights, democracy and the rule of law" are principles guiding the acts of its members. Article 5 of the Treaty outlines the objectives of SADC, which commits the Member States to "promote common political values, systems and other shared values which are transmitted through institutions, which are democratic, legitimate and effective. It also commits Member States to "consolidate, defend and maintain democracy, peace, security and stability" in the region.

The Protocol on Politics, Defence and Security Cooperation provides that SADC shall "promote the development of democratic institutions and practices within the territories of State Parties and encourage the observance of universal human rights as provided for in the Charter and Conventions of the Organization of African Unity [African Union] and the United Nations."

In addition, the Strategic Indicative Plan for the Organ (SIPO), as the implementation framework of the Protocol, emphasizes the need for democratic consolidation in the region. The development of the principles governing democratic elections aims at enhancing the transparency and credibility of elections and democratic governance as well as ensuring the acceptance of election results by all contesting parties.

The Guidelines are not only informed by the SADC legal and policy instruments but also by the major principles and guidelines emanating from the OAU/AU Declaration on the Principles Governing Democratic Elections in Africa - AHG/DECL.1 (XXXVIII) and the AU Guidelines for African Union Electoral Observation and Monitoring Missions - EX/CL/35 (III) Annex II.

2. PRINCIPLES FOR CONDUCTING DEMOCRATIC ELECTIONS

2.1 In the event a Member State decides to extend an invitation to SADC to observe its elections, this shall be based on the provisions of the Protocol on Politics, Defence and Security Cooperation.

2.2 SADC Member States shall adhere to the following principles in the conduct of democratic elections:

- 2.1.1 Full participation of the citizens in the political process;
- 2.1.2 Freedom of association;
- 2.1.3 Political tolerance;
- 2.1.4 Regular intervals for elections as provided for by the respective National Constitutions;
- 2.1.5 Equal opportunity for all political parties to access the state media;
- 2.1.6 Equal opportunity to exercise the right to vote and be voted for;
- 2.1.7 Independence of the Judiciary and impartiality of the electoral institutions; and
- 2.1.8 Voter education.
- 2.1.9 Acceptance and respect of the election results by political parties proclaimed to have been free and fair by the competent National Electoral Authorities in accordance with the law of the land.
- 2.1.10 Challenge of the election results as provided for in the law of the land.

3. MANDATE AND CONSTITUTION OF THE SADC OBSERVERS MISSION

3.1 In the event a Member State deems it necessary to invite SADC to observe its elections, the SADC Electoral Observation Missions (SEOM) have an Observation role. The mandate of the Mission shall be based on the Treaty and the Protocol on Politics, Defence and Security Cooperation.

3.2 The Chairperson of the Organ shall officially constitute the Mission upon receipt of an official invitation from the Electoral Authority of a Member State holding the elections.

3.3 The Chairperson of the Organ shall mandate the Executive Secretary to issue a Letter of Credential to each Member of the SEOM prior to their deployment into the Member State holding elections.

3.4 The constitution of the Mission should comply with the SADC policies relating to gender balance. While recognising that the Members of the Mission may come from different political parties in the home countries, they should behave as a team.

4. GUIDELINES FOR THE OBSERVATION OF ELECTIONS

4.1 SADC Member States shall be guided by the following guidelines to determine the nature and scope of election observation:

- 4.1.1 Constitutional and legal guarantees of freedom and rights of the citizens;
- 4.1.2 Conducive environment for free, fair and peaceful elections;
- 4.1.3 Non-discrimination in the voters' registration;
- 4.1.4 Existence of updated and accessible voters roll;
- 4.1.5 Timely announcement of the election date;
- 4.1.6 Where applicable, funding of political parties must be transparent and based on agreed threshold in accordance with the laws of the land;
- 4.1.7 Polling Stations should be in neutral places;
- 4.1.8 Counting of the votes at polling stations;
- 4.1.9 Establishment of the mechanism for assisting the planning and deployment of electoral observation missions; and

4.1.10 SADC Election Observation Missions should be deployed at least two weeks before the voting day.

5. CODE OF CONDUCT FOR ELECTION OBSERVERS

5.1 The code of conduct for the elections observers of SADC are consistent with those of the OAU/AU Declaration on the Principles Governing Democratic Elections in Africa - AHG/DECL. 1 (XXXVIII). In this regard, the SADC Election Observation Missions shall adhere to the following code of conduct:

5.1.1 Must comply with all national laws and regulations;

5.1.2 Shall maintain strict impartiality in the conduct of their duties, and shall at no time express any bias or preference in relation to national authorities, parties and candidates in contention in the Election process. Furthermore they will not display or wear any partisan symbols, colours or banners;

5.1.3 Shall neither accept nor attempt to procure any gifts, favours or inducements from a candidate, their agent, the parties or any other organisation or person involved in the electoral process;

5.1.4 Shall immediately disclose to the relevant SADC structures any relationship that could lead to a conflict of interest with their duties or with the process of the observation and assessment of the elections;

5.1.5 Will base all reports and conclusions on well documented, factual, and verifiable evidence from multiple number of credible sources as well as their own eye witness accounts;

5.1.6 Shall seek a response from the person or organisation concerned before treating any unsubstantiated allegation as valid;

5.1.7 Shall identify in their reports the exact information and the sources of the information they have gathered and used as a basis for their assessment of the electoral process or environment;

5.1.8 Shall report all information gathered or witnessed by them honestly and accurately;

5.1.9 Shall, when meeting election officials, relevant state authorities and public officials, parties, candidates and their agents shall inform them of the aims and objectives of the SEOM;

5.1.10 May wish to bring irregularities to the attention of the local election officials, but they must never give instructions or countermand decisions of the election officials;

5.1.11 Will carry any prescribed identification issued at all times, and will identify themselves to any interested authority upon request;

5.1.12 Will undertake their duties in an unobtrusive manner, and will not interfere with the election process, polling day procedures, or the vote count;

5.1.13 Will refrain from making personal or premature comments or judgements about their observations to the media or any other interested persons, and will limit any remarks to general information about the nature of their activity as observers;

5.1.14 Must participate in the briefings/training provided by the SEOM;

5.1.15 Must provide their reports on time to their supervisors and attend any debriefings as required; and

5.1.16 Should work harmoniously with each other and with observers from other organisations in their area of deployment.

6. RIGHTS AND RESPONSIBILITIES OF SADC ELECTION OBSERVERS

6.1 The rights and responsibilities of the SOEM are based on the SADC experience and the AU Guidelines for Electoral Observation and Monitoring Missions. Accordingly the following shall be the rights and responsibilities of the SADC Elections Observers:

- 6.1.1 Freedom of movement within the host country;
- 6.1.2. Accreditation as election observers on a non-discriminatory basis;
- 6.1.3. Unhindered access to and communicate freely with the media;
- 6.1.4 Free access to all legislation and regulations governing the electoral process and environment;
- 6.1.5 Free access to electoral registers or voters' roll;
- 6.1.6 Unimpeded and unrestricted access to all polling stations and counting centres;
- 6.1.7. Communicate freely with all competing political parties, candidates, other political associations and organisations, and civil society organisations;
- 6.1.8. Communicate freely with voters without prejudice to the electoral law proscribing such communication in order to protect the secrecy of the vote;
- 6.1.9 Communicate with and have unimpeded and unrestricted access to the National Election Commission or appropriate electoral authority and all other election administrators;
- 6.1.10. The SEOM shall be headed by an appropriate official from the Office of the Chairperson of the Organ who shall also be the spokesperson of the Mission;
- 6.1.11. Send regular reports on the electoral observation process to the Representative of the Organ on issues that may require urgent consideration;
- 6.1.12 Issue a statement on the conduct and outcome of the elections immediately after the announcement of the result; and
- 6.1.13 Prepare a Final Report within 30 (thirty) days after the announcement of the results.

7. RESPONSIBILITIES OF THE MEMBER STATE HOLDING ELECTIONS

- 7.1 Take necessary measures to ensure the scrupulous implementation of the above principles, in accordance with the constitutional processes of the country;
- 7.2 Establish where none exist, appropriate institutions where issues such as codes of conduct, citizenship, residency, age requirements for eligible voters and compilation of voters' registers, would be addressed;
- 7.3 Establish impartial, all-inclusive, competent and accountable national electoral bodies staffed by qualified personnel, as well as competent legal entities including effective constitutional courts to arbitrate in the event of disputes arising from the conduct of elections;
- 7.4 Safeguard the human and civil liberties of all citizens including the freedom of movement, assembly, association, expression, and campaigning as well as access to the media on the part of all stakeholders, during electoral processes as provided for under 2.1.5 above;

- 7.5 Take all necessary measures and precautions to prevent the perpetration of fraud, rigging or any other illegal practices throughout the whole electoral process, in order to maintain peace and security;
- 7.6 Ensure the availability of adequate logistics and resources for carrying out democratic elections;
- 7.7 Ensure that adequate security is provided to all parties participating in elections;
- 7.8 Ensure the transparency and integrity of the entire electoral process by facilitating the deployment of representatives of political parties and individual candidates at polling and counting stations and by accrediting national and/other observers/monitors;
- 7.9 Encourage the participation of women, disabled and youth in all aspects of the electoral process in accordance with the national laws;
- 7.10 Issuing invitation by the relevant Electoral Institutions of the country in election to SADC 90 (ninety) days before the voting day in order to allow an adequate preparation for the deployment of the Electoral Observation Mission;
- 7.11 Ensure freedom of movement of the members of the SEOM within the host country;
- 7.12 Accreditation of the members of the SEOM as election observers on a non-discriminatory basis;
- 7.13 Allow the members of the SEOM to communicate freely with all competing political parties, candidates, other political associations and organisations, and civil society organizations;
- 7.14 Allow the members of the SEOM to communicate freely with voters except when the electoral law reasonably prescribes such communication in order to protect the secrecy of the vote;
- 7.15 Allow the members of the SEOM an unhindered access to and communicate freely with the media;
- 7.16 Allow the members of the SEOM to communicate with and have unimpeded access to the National Election Commission or appropriate electoral authority and all other election administrators;
- 7.17 Allow the members of the SEOM free access to all legislation and regulations governing the electoral process and environment;
- 7.18 Allow the members of the SEOM free access to all electoral registers or voters' list;
- 7.19 Ensure that the members of the SEOM have an unimpeded and unrestricted access to all polling stations and counting centres.

ARAB REGION

15. Sana'a Declaration on Democracy, Human Rights and the Role of the International Criminal Court, January 2004

(Issued by the Inter-Governmental Regional Conference on Democracy, Human Rights and the Role of the International Criminal Court, held in Sana'a, Yemen, on 10-12 January 2004)

At the conclusion of the Sana'a Inter-Governmental Regional Conference on Democracy, Human Rights and the Role of the International Criminal Court formed by Governmental and Parliamentary Delegations from all the Arab and neighbouring African and Asian countries, organised by the Government of Yemen and the non-governmental organisation No Peace Without Justice, with the participation of 820 participants from 52 countries and representatives from regional and international organisations, as well as representatives of civil society and political parties; the Conference represented a forum for bringing together representatives of governments, parliaments and legislative bodies to talk about issues related to Democracy and Human Rights issues, the role of civil society, the rule of law and the International Criminal Court, in an open dialogue that is furthering democracy and protecting human rights in the Arab and surrounding countries and underlining achievements in the region in those areas, which is emerging from their social and cultural realities and their heritage and political practice; during two days of fruitful and profound discussion between participants on those topics, as an inseparable element to reach a consensus of understanding towards questions of the rule of law, democracy and human rights and a common endeavour to reach a common understanding of their dimensions, their interdependency and their repercussions;

Delegations hereby declare they have reached the following principles:

- a) Democracy and human rights, which have their origins in faith and culture, are interdependent and inseparable;
- a) Democracy and human rights, which have their origins in faith and culture, are interdependent and inseparable;
- b) Cultural and religious diversity is at the core of universally recognised human rights, which should be observed in a spirit of understanding in the application of democratic and human rights principles; this diversity should not be a source of confrontation or clashes but should be a source of dialogue and building bridges of understanding between religions and cultures;
- c) Democratic systems protect the rights and interests of everybody without discrimination, especially the rights and interests of disadvantaged and vulnerable groups;
- d) Democracy is achieved not only through institutions and laws but also through the actual practice of democratic principles, which should be measured by the degree to which these principles, norms, standards and values are actually implemented and the extent to which they advance the realisation of human rights;
- e) The basics of democratic systems is reflected in periodically elected legislatures, representing the citizens in a fair way and ensuring their full participation, in executive bodies that are responsible and committed to principles of good governance and in an independent judiciary that guarantees fair trial rights and protects the rights and freedoms

of the people; these principles are the guarantors of good governance, which ensures the protection of human rights;

f) Efforts to ensure a forum for discussion and dialogue must be encouraged in order to exchange ideas, experiences and expertise and to promote participation and political and democratic development among participating countries;

g) The practice of democracy and human rights and enhancing their understanding require overcoming potential threats to the form and substance of democracy, including foreign occupation, imbalances in participation in the international justice system, the concentration and abuse of power, ineffective and unaccountable civil service, poverty, inadequate education, corruption, crimes under international law and discrimination;

h) The effective application of the rule of law is vital to protect democracy and human rights and is the foundation for judicial independence and the application of the separation of powers;

i) A free and independent media is essential for the promotion and protection of democracy and human rights. Pluralism in the media and its privatisation are vital for contributing to the dissemination of human rights information, facilitating informed public participation, promoting tolerance and contributing to governmental accountability. The media should contribute effectively and responsibly towards the strengthening of democracy and human rights knowledge;

j) Proper democratic governance and respect for human rights require a freely functioning, well-organised, vibrant and responsible civil society and a legal framework within which civil society can operate in a spirit of partnership and participation; Civil society should play its role responsibly within the framework of law and the principles of human rights and democracy;

k) The private sector is a vital partner in strengthening the foundations of democracy and human rights; It has a responsibility to work with governments and civil society to enhance progress;

l) The developments in international relations, the increasing international interest in issues of human rights and the rule of law and the serious efforts to stop violations of international law require strong international judicial institutions to prosecute those who commit crimes under international law, in full respect for fundamental fair trial guarantees and the rights of the accused.

The participants therefore agree to:

1. Work seriously in order to fulfil the above-stated principles;
2. Strengthen and protect human rights, including people's fundamental rights to express their views and adhere to their religious beliefs and ethnic identity;
3. Occupation is contrary to international law and basic human rights; there should be an end to the occupation of Arab territories and all holy Islamic and Christian sites as well as an end to all violations of human rights, in particular in Palestine, and the civil and political rights of the Palestinian people should be ensured, including their right to self-determination and their right of return according to international resolutions;
4. Empower the role of women and their participation, protecting women from all forms of exploitation and any reduction of women's rights;
5. The establishment of an independent and fair judiciary and the separation of powers;
6. Ensure equality before the law, equal protection under the law and fundamental fair trial guarantees;
7. Support efforts towards sustainable development, which is necessary for the building and strengthening of democracy, including democratic institutions within the State, and for promoting and protecting human rights;

8. Strengthen the role of international judicial institutions, as an important element towards promoting respect for international law and human rights law, including the International Criminal Court;
9. Strengthen democracy and pluralism and the establishment of elected legislative bodies to represent popular will and ensuring the fair representation of all sectors of society;
10. Work towards future modalities of democratic consultation and cooperation among themselves, including civil society, and the establishment of an Arab Democratic Dialogue Forum as an instrument for the promotion of dialogue between diverse actors, for strengthening democracy, human rights and civil liberties, especially freedom of opinion and expression, and strengthening the partnership between public authorities and civil society.

Done in Sana'a, 12 January 2004.

E. LEAGUE OF ARAB STATES

16. Tunis Declaration

issued at the 16th session of the Arab Summit,
held in Tunis on May 22-23, 2004

We, the Leaders of the Arab States, meeting at the Summit Conference of the Arab League Council in its 16th ordinary session held in Tunis, the capital of the Republic of Tunisia, on May 22-23, 2004 :

- " Committed as we are to the principles upon which the League of Arab States was founded and to the objectives enunciated in its Charter, as well as to the noble universal values spelled out in the United Nations Charter and to all the instruments of international legality;

- " Taking into account the new world changes and the challenges and stakes they generate;

- " Determined to pursue efforts in order to strengthen the solidarity and cohesion of the Arab Nation, and to consolidate the Arab ranks, in the service of our primordial causes.

...

We also assert our firm determination :

2.1 - To materialize our common will to develop the system of joint Arab action, through the Tunis Summit resolution to amend the Arab League Charter and to modernize its work methods and its specialized institutions, based on the various Arab initiatives and ideas included in the proposals put forward by the Secretary General as well as on a consensual and coherent vision and on a gradual and balanced approach.

2.2 - To reaffirm our states' commitment to the humanitarian principles and the noble values of human rights in their comprehensive and interdependent dimensions, to the provisions of the various international conventions and charters, and to the Arab Human Rights Charter adopted by the Tunis Summit, as well as to the reinforcement of the freedom of expression, thought and belief and to the guarantee of the independence of the judiciary.

2.3 - Endeavour, based on the Declaration on the process of reform and modernization in the Arab world, to pursue reform and modernization in our countries, and to keep pace with the rapid world changes, by consolidating the democratic practice, by enlarging participation in political and public life, by fostering the role of all components of the civil society, including NGOs, in conceiving of the guidelines of the society of tomorrow, by widening women's participation in the political, economic, social, cultural and

educational fields and reinforcing their rights and status in society, and by pursuing the promotion of the family and the protection of Arab youth.

2.4 - To consolidate the comprehensive development programs and intensify efforts aimed at promoting the educational systems, at disseminating knowledge and encouraging its acquisition, and at fighting illiteracy in order to ensure a better future for the Arab young generations.

2.5 - To achieve economic complementarity among Arab States on the basis of the exchange of benefits and the interdependence of interests, and to endeavour to pursue the upgrading of the Arab economies by entrusting the Economic and Social Council with establishing a joint Arab economic and social action strategy, in such a way as to consolidate the competitiveness of the Arab economy and empower it to establish a solidarity-based partnership with the various economic groupings in the world.

2.6 - To consecrate the values of solidarity and mutual assistance among the Arab states, as part of the Arab anti-poverty strategy adopted by the Tunis Summit, to mobilize all human potentialities in the Arab countries in support of the development efforts, and to endeavor to upgrade the economy of the least developed Arab countries and promote their development programs.

2.7 - Be prepared, as best as possible, to actively participate, at the level of governments, civil society and the private sector, in the World Summit on the Information Society whose second phase will be hosted by Tunisia in November 2005, so that this event will constitute an important opportunity to further promote the position of information and communication technologies in the Arab development plans, and reinforce the capacity of Arab countries to keep up with and contribute to the evolution witnessed in this sector which is one of the basic foundations of development.

2.8 - To take appropriate measures to enable the Arab Organization for Information and Communication Technologies to play its role in consolidating inter-Arab cooperation in this vital sector.

2.9 - To strengthen the bonds of friendship between Arab countries and other countries of the world, and to establish a new approach for solidarity-based cooperation and partnership with them, based on our determination to consecrate dialogue among religions and cultures and to highlight the civilisational and humanist mission of Islam which calls for disseminating the values of tolerance, concord and peaceful coexistence among peoples and nations, and rejects hatred and discrimination.

2.10 - To reaffirm the commitment of Arab States to pursue their contribution to the international efforts exerted to stand against and combat all forms of terrorism, avoid confusing Islam with terrorism and differentiate between legitimate resistance and terrorism.

2.11 - To call for the holding of an international conference, under the auspices of the United Nations, in order to establish an international code of ethics for the fight against terrorism, while working to tackle the root causes of this phenomenon.

3 - We express our deep thanks and high consideration to His Excellency President Zine El Abidine Ben Ali, President of the Republic of Tunisia, for his experience, insightfulness, and open-mindedness in managing our Summit proceedings. We are convinced that under his chairmanship of the Summit, the process of joint Arab action will witness further progress, and that the status of the Arab Nation among the nations of the world will be further reinforced.

Our thanks and appreciation also go to the Republic of Tunisia for having hosted the Summit Conference of the Arab League Council in its 16th ordinary session and for its meticulous preparation, in consultation with the Arab countries, in order to ensure optimum conditions for the organization of the Summit. We also commend the efforts exerted by the Arab League Secretary General in this regard.

Tunis, May 22-23, 2004.

17. Arab Charter on Human Rights

Tunis May 2004

(Excerpts)

Based on the faith of the Arab nation in the dignity of the human person whom God has exalted ever since the beginning of creation and in the fact that the Arab homeland is the cradle of religions and civilizations whose lofty human values affirm the human right to a decent life based on freedom, justice and equality,

In furtherance of the eternal principles of fraternity, equality and tolerance among human beings consecrated by the noble Islamic religion and the other divinely-revealed religions,

Being proud of the humanitarian values and principles that the Arab nation has established throughout its long history, which have played a major role in spreading knowledge between East and West, so making the region a point of reference for the whole world and a destination for seekers of knowledge and wisdom,

Believing in the unity of the Arab nation, which struggles for its freedom and defends the right of nations to self-determination, to the preservation of their wealth and to development; believing in the sovereignty of the law and its contribution to the protection of universal and interrelated human rights and convinced that the human person's enjoyment of freedom, justice and equality of opportunity is a fundamental measure of the value of any society,

Rejecting all forms of racism and Zionism, which constitute a violation of human rights and a threat to international peace and security, recognizing the close link that exists between human rights and international peace and security, reaffirming the principles of the Charter of the United Nations, the Universal Declaration of Human Rights and the provisions of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, and having regard to the Cairo Declaration on Human Rights in Islam,

The States parties to the Charter have agreed as follows:

...

Article 24

Every citizen has the right:

1. To freely pursue a political activity.
2. To take part in the conduct of public affairs, directly or through freely chosen representatives.
3. To stand for election or choose his representatives in free and impartial elections, in conditions of equality among all citizens that guarantee the free expression of his will.
4. To the opportunity to gain access, on an equal footing with others, to public office in his country in accordance with the principle of equality of opportunity.
5. To freely form and join associations with others.
6. To freedom of association and peaceful assembly.
7. No restrictions may be placed on the exercise of these rights other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public health or morals or the protection of the rights and freedoms of others.

...

EUROPE

F. EUROPEAN UNION

18. Charter of Fundamental Rights of the European Union (2000/C 364/01) (Excerpts)

PREAMBLE

The peoples of Europe, in creating an ever closer union among them, are resolved to share a peaceful future based on common values.

Conscious of its spiritual and moral heritage, the Union is founded on the indivisible, universal values of human dignity, freedom, equality and solidarity; it is based on the principles of democracy and the rule of law. It places the individual at the heart of its activities, by establishing the citizenship of the Union and by creating an area of freedom, security and justice.

The Union contributes to the preservation and to the development of these common values while respecting the diversity of the cultures and traditions of the peoples of Europe as well as the national identities of the Member States and the organisation of their public authorities at national, regional and local levels; it seeks to promote balanced and sustainable development and ensures free movement of persons, goods, services and capital, and the freedom of establishment.

To this end, it is necessary to strengthen the protection of fundamental rights in the light of changes in society, social progress and scientific and technological developments by making those rights more visible in a Charter.

This Charter reaffirms, with due regard for the powers and tasks of the Community and the Union and the principle of subsidiarity, the rights as they result, in particular, from the constitutional traditions and international obligations common to the Member States, the Treaty on European Union, the Community Treaties, the European Convention for the Protection of Human Rights and Fundamental Freedoms, the Social Charters adopted by the Community and by the Council of Europe and the case-law of the Court of Justice of the European Communities and of the European Court of Human Rights.

Enjoyment of these rights entails responsibilities and duties with regard to other persons, to the human community and to future generations.

The Union therefore recognises the rights, freedoms and principles set out hereafter.

...

CHAPTER II FREEDOMS

...

Article 11

Freedom of expression and information

1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers.
2. The freedom and pluralism of the media shall be respected.

Article 12

Freedom of assembly and of association

1. Everyone has the right to freedom of peaceful assembly and to freedom of association at all levels, in particular in political, trade union and civic matters, which implies the right of everyone to form and to join trade unions for the protection of his or her interests.
2. Political parties at Union level contribute to expressing the political will of the citizens of the Union.

...

CHAPTER III EQUALITY

Article 20

Equality before the law

Everyone is equal before the law.

Article 21

Non-discrimination

1. Any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation shall be prohibited.
2. Within the scope of application of the Treaty establishing the European Community and of the Treaty on European Union, and without prejudice to the special provisions of those Treaties, any discrimination on grounds of nationality shall be prohibited.

...

CHAPTER V CITIZENS' RIGHTS

Article 39

Right to vote and to stand as a candidate at elections to the European Parliament

1. Every citizen of the Union has the right to vote and to stand as a candidate at elections to the European Parliament in the Member State in which he or she resides, under the same conditions as nationals of that State.
2. Members of the European Parliament shall be elected by direct universal suffrage in a free and secret ballot.

Article 40

Right to vote and to stand as a candidate at municipal elections

Every citizen of the Union has the right to vote and to stand as a candidate at municipal elections in the Member State in which he or she resides under the same conditions as nationals of that State.

...

19. Resolution of the council and of the member states meeting in the council on human rights, democracy and development

28 November 1991

1) The Council recalls the European Council Resolution of 29 June 1991 which stated that respect for human rights, the rule of law and the existence of political institutions which are effective, accountable and enjoy democratic legitimacy are the basis for equitable development. It also recalls the 1986 Declaration of Foreign Ministers of the Community on Human Rights (21 July 1986) and reaffirms that respecting, promoting and safeguarding human rights is an essential part of international relations and one of the cornerstones of European cooperation as well as of relations between the Community and its Member States and other countries. In this regard it stresses its attachment to the principles of representative democracy, of the rule of law, of social justice and of respect for human rights.

2) The Council shares the analysis contained in the Commission's communication of 25 March 1991 and acknowledges that human rights have a universal nature and it is the duty of all States to promote them. At the same time, human rights and democracy form part of a larger set of requirements in order to achieve balanced and sustainable development. In this context, account should be taken of the issue of good governance as well as of military spending.

The Council considers it important that the Community and its Member States should have a common approach aimed at promoting human rights and democracy in developing countries. Such an approach would improve the cohesion and consistency of initiatives taken in this field. The objective of the present resolution is to formulate concrete guidelines, procedures and lines of action.

3) The Community and its Member States recognise the necessity of a consistent approach towards human rights, democracy and development in their cooperation with developing countries. Development cooperation is based on the central place of the individual and has, therefore, in essence to be designed with a view to promoting - in parallel with economic and social rights - civil and political liberties by means of representative democratic rule that is based on respect for human rights. They endorse, on the basis of these principles, the following approaches, instruments and activities.

4) The Community and its Member States will give high priority to a positive approach that stimulates respect for human rights and encourages democracy. An open and constructive dialogue between them and the governments of developing countries can make a very important contribution to the promotion of human rights and democracy. Various initiatives can be undertaken, for example, through active support for:

- countries which are attempting to institute democracy and improve their human rights performance;
- the holding of elections, the setting-up of new democratic institutions and the strengthening of the rule of law;
- the strengthening of the judiciary, the administration of justice, crime prevention and the treatment of offenders;
- promoting the role of NGOs and other institutions which are necessary for a pluralist society;
- the adoption of a decentralised approach to cooperation;
- ensuring equal opportunities for all.

At the request of the Commission or one of the Member States, the possibility of increased assistance to developing countries in which substantive positive changes in human rights and democracy have taken place will be examined.

5) The Council stresses the importance of good governance. While sovereign States have the right to institute their own administrative structures and establish their own constitutional arrangements, equitable development can only effectively and sustainably be achieved if a number of general principles are adhered to: sensible economic and social policies, democratic decision-making, adequate governmental transparency and financial accountability, creation of a market-friendly environment for development, measures to combat corruption, as well as respect for the rule of law, human rights, and freedom of the press and expression. The Community and Member States will support the efforts of developing countries to advance good governance and these principles will be central in their existing or new development cooperation relationships.

6) While, in general, a positive and constructive approach should receive priority, in the event of grave and persistent human rights violations or the serious interruption of democratic processes, the Community and its Member States will consider appropriate responses in the light of the circumstances, guided by objective and equitable criteria. Such measures, which will be graduated according to the gravity of each case, could include confidential or public *démarches* as well as changes in the content or channels of cooperation programmes and the deferment of necessary signatures or decisions in the cooperation process or, when necessary, the suspension of cooperation with the States concerned.

The Member States and the Commission will exchange immediate information concerning such measures and consider joint approaches in reaction to violations. They will be informed in such cases through the EPC communication network and particular cases may be further discussed within the Council framework.

7) The Community's response to violations of human rights will avoid penalising the population for governmental actions. Rather than simply discontinuing development cooperation, the Community and the Member States may adjust cooperation activities with a view to ensuring that development aid benefits more directly the poorest sections of the population in the country, for example through non-governmental or informal networks, while at the same time establishing a certain distance *vis-à-vis* the government concerned. Such adjustment will focus on the choice of partners of projects and of the type of cooperation programmes. In all cases, however, humanitarian and emergency aid, which directly benefit vulnerable populations, will continue to be made available.

8) The Council welcomes the efforts undertaken in recent years by developing countries to move towards democracy. It is recognised that governments have to build the political, economic and social structures to support democracy and that this is a gradual process which will sometimes take a relatively long period. The Community and its Member States will support the process and hold regular informal exchanges of views on the best possible course of action in order to achieve lasting results as speedily as possible.

9) The Council attaches very great importance to the question of military spending. Excessive military expenditure not only reduces the funds available for other purposes, but can also contribute to increased regional tensions and violations of international law, as well as often being meant and used for purposes of internal repression and denial of universally recognised human rights.

Moreover, in a period in which donor countries are engaged in a process leading to levels of armament not exceeding sufficiency levels, development cooperation with governments which maintain much larger military structures than needed will become difficult to justify. In the dialogue with their partners in developing countries, the Community and its Member States will stress the negative effects of excessive military spending on the development process. They will consider adopting concrete measures in their cooperation in order to encourage developing countries to reduce their military expenditure, which is often excessive in relation to their legitimate security needs, and simultaneously to implement development projects of an economic and social nature, with particular emphasis on the education and health sectors. With this in mind, they may consider increasing support for countries which achieve substantial reductions in their military expenditure, or reducing support for countries which fail to do so. The Council recognises the need for restraint and transparency in the transfer of conventional weapons to developing countries. It will further examine the question of military spending by developing countries along these lines. The Community and its Member States will request countries with which development cooperation relationships are maintained to cooperate voluntarily with the new UN register of arms transfers.

10) The Community and its Member States will explicitly introduce the consideration of human rights as an element of their relations with developing countries; human rights clauses will be inserted in future cooperation agreements. Regular discussions on human rights and democracy will be held, within the framework of development cooperation, with the aim of seeking improvements.

In order to facilitate timely support by the Community for initiatives in developing countries aiming at the promotion of respect for human rights and the encouragement of democracy and good governance it is intended to expand resources devoted to these ends within the overall allocations available for development. Sound activities in Third World countries promoting human rights and democracy, both by governments and by non-governmental entities, will be eligible for financial support. The Community and its Member States undertake in addition to integrate the promotion of respect for human rights and the advancement of democracy in their future cooperation programmes.

The Commission will transmit an annual report to the Council on the implementation of this resolution.

In addition to the consultations and meetings which can be convened as stipulated in paragraphs 4, 5 and 6, a meeting will be held annually by representatives of the Commission and Member States to consider policies and specific lines of action to further enhance respect for human rights and establishment of representative democratic rule

20. Council Regulation (EC) No 976/1999 of 29 April 1999

(laying down the requirements for the implementation of Community operations, other than those of development cooperation, which, within the framework of Community cooperation policy, contribute to the general objective of developing and consolidating democracy and the rule of law and to that of respecting human rights and fundamental freedoms in third countries)

THE COUNCIL OF THE EUROPEAN UNION,

...

HAS ADOPTED THIS REGULATION:

CHAPTER 1

Objectives

Article 1

The purpose of this Regulation is to lay down the procedures for the implementation of Community operations, other than those of development cooperation which, within the framework of Community cooperation policy in third countries, contribute to the general objective of developing and consolidating democracy and the rule of law and to that of respecting human rights and fundamental freedoms.

The operations referred to in this Regulation shall be implemented in the territory of third countries or shall be directly related to situations arising in third countries.

Article 2

The procedures laid down in this Regulation apply to operations in the fields covered by Articles 3 and 4 implemented within the framework of existing programmes relating to the cooperation with third countries, including TACIS (2), PHARE (3), MEDA (4) and the Regulations relating to Bosnia and Herzegovina (5), as well as to any future operations of Community cooperation relating to third countries in these fields, other than those of development cooperation, implemented on the basis of Article 235 of the Treaty establishing the European Community.

Article 3

Within the limits of Articles 1 and 2, and consistent with the European Union's foreign policy as a whole, the European Community shall provide technical and financial aid for operations aimed at:

1. promoting and defending the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights and the other international instruments concerning the development and consolidation of democracy and the rule of law, in particular:
 - (a) the promotion and protection of civil and political rights;
 - (b) the promotion and protection of economic, social and cultural rights;
 - (c) the promotion and protection of the human rights

of those discriminated against, or suffering from poverty or disadvantage, which will contribute to reduction of poverty and social exclusion;

(d) support for minorities, ethnic groups and indigenous peoples;

(e) supporting local, national, regional or international institutions, including NGOs, involved in the protection, promotion or defence of human rights;

(f) support for rehabilitation centres for torture victims and for organisations offering concrete help to victims of human rights abuses or help to improve conditions in places where people are deprived of their liberty in order to prevent torture or ill-treatment;

(g) support for education, training and consciousness-raising in the area of human rights;

(h) supporting action to monitor human rights, including the training of observers;

(i) the promotion of equality of opportunity and non-discriminatory practices, including measures to combat racism and xenophobia;

(j) promoting and protecting the fundamental freedoms mentioned in the International Covenant on Civil and Political Rights, in particular the freedom of opinion, expression and conscience, and the right to use one's own language;

2. supporting the processes of democratisation, in particular:

(a) promoting and strengthening the rule of law, in particular upholding the independence of the judiciary and strengthening it, and support for a humane prison system; support for constitutional and legislative reform; support for initiatives to abolish the death penalty;

(b) promoting the separation of powers, particularly the independence of the judiciary and the legislature from the executive, and support for institutional reforms;

(c) promotion of pluralism both at political level and at the level of civil society by strengthening the institutions needed to maintain the pluralist nature of that society, including non-governmental organisations (NGOs), and by promoting independent and responsible media and supporting a free press and respect for the rights of freedom of association and assembly;

(d) promoting good governance, particularly by supporting administrative accountability and the prevention and combating of corruption;

(e) promoting the participation of the people in the decision-making process at national, regional and local level, in particular by promoting the equal participation of men and women in civil society, in economic life and in politics;

(f) support for electoral processes, in particular by supporting independent electoral commissions, granting material, technical and legal assistance in preparing for elections, including electoral censuses, taking measures to promote the participation of specific groups, particularly women, in the electoral process and by training observers;

(g) supporting national efforts to separate civilian and military functions, training civilian and military personnel and raising their awareness of human rights;

3. support for measures to promote the respect for human rights and democratisation by preventing conflict and dealing with its consequences in close collaboration with the relevant competent bodies, in particular:

(a) supporting capacity-building, including the establishment of local early warning systems;

(b) supporting measures aimed at balancing opportunities and at bridging existing dividing lines among different identity groups;

- (c) supporting measures facilitating the peaceful conciliation of group interests, including support for confidence-building measures relating to human rights and democratisation, in order to prevent conflict and to restore civil peace;
- (d) promoting international humanitarian law and its observance by all parties to a conflict;
- (e) supporting international, regional or local organisations, including the NGOs, involved in preventing, resolving and dealing with the consequences of conflict, including support for establishing ad hoc international criminal tribunals and setting up a permanent international criminal court, and support and assistance for the victims of human rights violations.

Article 4

Community support for these aims may include the financing of:

1. campaigns to increase awareness, inform and train the agencies involved and the general public;
2. the measures needed for the identification and preparation of projects, namely:
 - (a) identification and feasibility studies;
 - (b) the exchange of technical know-how and experience between European organisations and bodies in third countries;
 - (c) the costs arising from tendering procedures, in particular the evaluation of tenders and the preparation of project documents;
 - (d) the financing of general studies concerning the Community's action within the scope of this Regulation;
3. the implementation of projects:
 - (a) technical assistance and expatriate and local staff to help implement the projects;
 - (b) purchasing and/or delivering any product or equipment strictly necessary for the implementation of operations, including, in exceptional circumstances, and when duly justified, the purchasing or leasing of premises;
 - (c) where appropriate, actions for the purpose of highlighting the Community character of the operations;
4. measures to monitor, audit and evaluate Community operations.
5. activities to explain the objectives and results of these measures to the general public in the countries concerned and administrative and technical assistance for the mutual benefit of the Commission and the beneficiary.

CHAPTER II

Procedures for the implementation of aid

Article 5

1. The partners eligible for financing under this Regulation are regional and international organisations, non-governmental organisations, national, regional and local authorities and official agencies, Community-based organisations and public or private-sector institutes and operators.

2. Operations financed by the Community under this Regulation shall be implemented by the Commission either at the request of a partner referred to in paragraph 1 or on its own initiative.

Article 6

To be eligible for Community aid, the partners referred to in Article 5(1) must have their main headquarters in a third country eligible for Community aid under this Regulation or in a Member State of the Community. Such headquarters must be the effective decision-making centre for all operations financed under this Regulation.

Exceptionally, the headquarters may be in another third country.

Article 7

Without prejudice to the institutional and political environment in which the partners referred to in Article 5(1) operate, the following factors shall in particular be considered when determining a body's suitability for Community funding:

- (a) its commitment to defending, respecting and promoting human rights and democratic principles in a non-discriminatory manner;
- (b) its experience in the field of promoting human rights and democratic principles;
- (c) its administrative and financial management capacities;
- (d) its technical and logistical capacity in relation to the planned operation;
- (e) the results, where relevant, of any previous operations carried out, in particular those financed by the Community;
- (f) its capacity to build up a working relationship with other elements of civil society in the third country concerned and to direct assistance to local organisations accountable to civil society.

Article 8

1. Aid shall not be allocated to the partners referred to in Article 5(1) unless they undertake to comply with the allocation and implementation conditions laid down by the Commission, to which they shall be contractually bound.

2. Activities aided by the Community shall be implemented in accordance with the objectives laid down in the Commission financing decision.

3. Community financing under this Regulation shall take the form of grants.

4. Where operations financed under this Regulation are the subject of financing agreements between the Community and the recipient countries, such agreements shall stipulate that taxes, charges and customs duties are not to be borne by the Community.

Article 9

1. Participation in invitations to tender and the award of contracts shall be open on equal terms to natural or legal persons from the recipient country and the Member States. It may be extended to other countries in exceptional and duly justified cases.

2. Supplies shall originate in the Member States or the recipient country. They may originate in other countries in exceptional and duly justified cases.

Article 10

1. In the interests of consistency and complementarity and in order to maximise the overall effectiveness of operations, the Commission, in close cooperation with the Member States, may take any coordination measures necessary.

2. In any case, for the purposes of paragraph 1, the Commission shall encourage:

(a) the introduction of a system for the exchange and systematic analysis of information on operations financed or considered for financing by the Community and the Member States;

(b) the coordination of the implementation of operations on the spot by means of regular meetings for the exchange of information between the representatives of the Commission and the Member States in the recipient country;

(c) the promotion of a coherent approach in relation to humanitarian assistance and, whenever possible, the integration of the protection of human rights within humanitarian assistance.

CHAPTER III

Procedures for the implementation of operations

Article 11

The financial reference amount for the implementation of this Regulation during the period 1999 to 2004 shall be EUR 150 million.

The annual appropriations shall be authorised by the budgetary authority within the limits of the financial perspective.

Article 12

The Commission shall appraise, decide upon and administer, monitor and evaluate operations under this Regulation in accordance with the budgetary and other procedures in force. It shall lay down the conditions for allocating, mobilising and implementing aid under this Regulation.

Article 13

1. The following shall be adopted by the Commission according to the procedure laid down in Article 14(2):

- decisions on operations for which financing under this Regulation exceeds EUR 1 million and any modification to such operations leading to an increase of more than 20 % in the sum initially agreed,

- programmes intended to provide a coherent framework for action in a given country or region or in a specific field where the scale and complexity of the needs identified are such that they seem likely to continue.

2. The Commission shall notify the committee referred to in Article 14 of financing decisions that it intends to take concerning projects and programmes costing less than EUR 1 million. Notice shall be given at least a week before the decision is taken.

Article 14

1. The Commission shall be assisted by the “Human Rights and Democracy Committee”, hereinafter referred to as “the Committee”, set up by Article 13 of the Regulation (EC) No 975/1999.

2. Where reference is made to this Article the representative of the commission shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148(2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the committee shall be weighted in the manner set out in that Article.

The chairman shall not vote.

The Commission shall adopt the measures envisaged if they are in accordance with the opinion of the committee.

If the measures envisaged are not in accordance with the opinion of the committee, or if no opinion is delivered, the Commission shall without delay submit to the Council a proposal relating to the measures to be taken.

The Council shall act by a qualified majority.

If, on the expiry of a period of three months from the date of referral to the Council, the Council has not acted, the proposed measures shall be adopted by the Commission.

Article 15

1. The Commission may finance emergency measures up to a maximum of EUR 2 million. Emergency measures shall be deemed necessary in cases of urgent and unforeseeable need arising from the sudden suspension of the democratic process or the emergence of a state of crisis or exceptional and imminent danger affecting all or part of the population of a country and posing a grave threat to the fundamental rights and freedoms of the individual.

2. Where operations fulfil these conditions, the Commission shall act after consulting the Member States by the most efficient means. Five working days shall be allowed to the Member States in which to put forward any objections. If there are any objections, the committee, referred to in Article 14, shall examine the question at its next meeting.

3. The Commission shall inform the committee referred to in Article 14, at its next meeting, of all emergency measures financed under these provisions.

Article 16

The committee may examine any general or specific issues concerning Community aid in the field and should also play a useful role as a means for improving the coherence of the human rights and democratisation actions of the European Union towards third countries. Once a year it will examine the planning for the following financial year or discuss general guidelines presented by the representative of the Commission for operations under this Regulation to be undertaken in the year ahead.

Article 17

1. The Commission shall regularly evaluate operations financed by the Community under this Regulation in order to establish whether they have achieved their objectives and to produce guidelines for improving the effectiveness of subsequent operations. The Commission shall submit to the committee a summary of the evaluation exercises carried out that it might, if necessary, examine.

The evaluation reports shall be available to the Member States on request.

2. At the request of the Member States, the Commission may, with them, also evaluate the results of the Community's operations and programmes under this Regulation.

Article 18

All contracts or financing agreements concluded under this Regulation shall provide in particular that the Commission and the Court of Auditors may conduct checks on the spot and at the headquarters of the partners referred to in Article 5(1) according to the usual procedures established by the Commission under the rules in force, and in particular those of the Financial Regulation applicable to the general budget of the European Communities.

Article 19

1. Within a month of its decision, the Commission shall notify the Member States of operations and projects approved, indicating the sums, the nature of the operation, the recipient country and the partners involved.

2. At the close of each financial year, the Commission shall submit an annual report to the European Parliament and to the Council with a summary of the operations financed in the course of that year.

The summary shall contain information concerning the agencies with which the operations referred to in Article 1 have been implemented.

The report shall also include a review of any external evaluation exercises which may have been conducted and may, if appropriate, propose specific operations.

Article 20

Three years after this Regulation enters into force, the Commission shall submit to the European Parliament and to the Council an overall assessment of the operations financed

by the Community under this Regulation, which may be accompanied by appropriate proposals concerning the future of this Regulation.

Article 21

This Regulation shall enter into force on the third day following that of its publication in the Official Journal of the European Communities.

It shall apply until 31 December 2004.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Luxembourg, 29 April 1999.

21. The Cotonou Agreement
(signed in Cotonou on 23 June 2000)
(Excerpts)

HAVING REGARD TO the Treaty establishing the European Community, on the one hand, and the Georgetown Agreement establishing the Group of African, Caribbean and Pacific States (ACP), on the other;

AFFIRMING their commitment to work together towards the achievement of the objectives of poverty eradication, sustainable development and the gradual integration of the ACP countries into the world economy;

ASSERTING their resolve to make, through their cooperation, a significant contribution to the economic, social and cultural development of the ACP States and to the greater well-being of their population, helping them facing the challenges of globalisation and strengthening the ACP-EU Partnership in the effort to give the process of globalisation a stronger social dimension;

REAFFIRMING their willingness to revitalise their special relationship and to implement a comprehensive and integrated approach for a strengthened partnership based on political dialogue, development cooperation and economic and trade relations;

ACKNOWLEDGING that a political environment guaranteeing peace, security and stability, respect for human rights, democratic principles and the rule of law, and good governance is part and parcel of long term development; acknowledging that responsibility for establishing such an environment rests primarily with the countries concerned;

ACKNOWLEDGING that sound and sustainable economic policies are prerequisites for development;

REFERRING to the principles of the Charter of the United Nations, and recalling the Universal Declaration of Human Rights, the conclusions of the 1993 Vienna Conference on Human Rights, the Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the Convention on the Elimination of all forms of Discrimination against Women, the International Convention on the Elimination of all forms of Racial Discrimination, the 1949 Geneva Conventions and the other instruments of international humanitarian law, the 1954 Convention relating to the status of stateless persons, the 1951 Geneva Convention relating to the Status of Refugees and the 1967 New York Protocol relating to the Status of Refugees;

CONSIDERING the Convention for the Protection of Human Rights and Fundamental Freedoms of the Council of Europe, the African Charter on Human and Peoples' Rights and the American Convention on Human Rights as positive regional contributions to the respect of human rights in the European Union and in the ACP States;

RECALLING the Libreville and Santo Domingo declarations of the Heads of State and Government of the ACP countries at their Summits in 1997 and 1999;

CONSIDERING that the development targets and principles agreed in United Nations Conferences and the target, set by the OECD Development Assistance Committee, to reduce by

one half the proportion of people living in extreme poverty by the year 2015 provide a clear vision and must underpin ACP-EU cooperation within this Agreement;

PAYING particular attention to the pledges made at the Rio, Vienna, Cairo, Copenhagen, Beijing, Istanbul and Rome UN conferences and acknowledging the need for further action to be taken in order to achieve the goals and implement the action programmes which have been drawn up in those fora;

ANXIOUS to respect basic labour rights, taking account of the principles laid down in the relevant conventions of the International Labour Organisation;

RECALLING the commitments within the framework of the World Trade Organisation,

HAVE DECIDED TO CONCLUDE THIS AGREEMENT:

PART 1 GENERAL PROVISIONS

TITLE I OBJECTIVES, PRINCIPLES AND ACTORS

CHAPTER 1 Objectives and principles

Article 1 Objectives of the partnership

The Community and its Member States, of the one part, and the ACP States, of the other part, hereinafter referred to as the "Parties" hereby conclude this Agreement in order to promote and expedite the economic, cultural and social development of the ACP States, with a view to contributing to peace and security and to promoting a stable and democratic political environment.

The partnership shall be centred on the objective of reducing and eventually eradicating poverty consistent with the objectives of sustainable development and the gradual integration of the ACP countries into the world economy.

These objectives and the Parties' international commitments shall inform all development strategies and shall be tackled through an integrated approach taking account at the same time of the political, economic, social, cultural and environmental aspects of development. The partnership shall provide a coherent support framework for the development strategies adopted by each ACP State.

Sustained economic growth, developing the private sector, increasing employment and improving access to productive resources shall all be part of this framework. Support shall be given to the respect of the rights of the individual and meeting basic needs, the promotion of social development and the conditions for an equitable distribution of the fruits of growth. Regional and sub-regional integration processes which foster the

integration of the ACP countries into the world economy in terms of trade and private investment shall be encouraged and supported. Building the capacity of the actors in development and improving the institutional framework necessary for social cohesion, for the functioning of a democratic society and market economy, and for the emergence of an active and organised civil society shall be integral to the approach. Systematic account shall be taken of the situation of women and gender issues in all areas - political, economic and social. The principles of sustainable management of natural resources and the environment shall be applied and integrated at every level of the partnership.

Article 2

Fundamental principles

ACP-EC cooperation, underpinned by a legally binding system and the existence of joint institutions, shall be exercised on the basis of the following fundamental principles:

- equality of the partners and ownership of the development strategies: for the purposes of implementing the objectives of the partnership, the ACP States shall determine the development strategies for their economies and societies in all sovereignty and with due regard for the essential elements described in Article 9; the partnership shall encourage ownership of the development strategies by the countries and populations concerned;
- participation: apart from central government as the main partner, the partnership shall be open to different kinds of other actors in order to encourage the integration of all sections of society, including the private sector and civil society organisations, into the mainstream of political, economic and social life;
- the pivotal role of dialogue and the fulfilment of mutual obligations: the obligations assumed by the Parties in the framework of their dialogue shall be central to their partnership and cooperation relations;
- differentiation and regionalisation: cooperation arrangements and priorities shall vary according to a partner's level of development, its needs, its performance and its long-term development strategy. Particular emphasis shall be placed on the regional dimension. Special treatment shall be given to the least-developed countries. The vulnerability of landlocked and island countries shall be taken into account.

Article 3

Achievement of this Agreement's objectives

The Parties shall, each as far as it is concerned in the framework of this Agreement, take all appropriate measures, whether general or particular, to ensure the fulfilment of the obligations arising from this Agreement and to facilitate the attainment of the objectives thereof. They shall refrain from any measures liable to jeopardise these objectives.

...

TITLE II

THE POLITICAL DIMENSION

ARTICLE 8

Political dialogue

1. The Parties shall regularly engage in a comprehensive, balanced and deep political dialogue leading to commitments on both sides.
2. The objective of this dialogue shall be to exchange information, to foster mutual understanding, and to facilitate the establishment of agreed priorities and shared agendas, in particular by recognising existing links between the different aspects of the relations between the Parties and the various areas of cooperation as laid down in this Agreement. The dialogue shall facilitate consultations between the Parties within international fora. The objectives of the dialogue shall also include preventing situations arising in which one Party might deem it necessary to have recourse to the non-execution clause.
3. The dialogue shall cover all the aims and objectives laid down in this Agreement as well as all questions of common, general, regional or sub-regional interest. Through dialogue, the Parties shall contribute to peace, security and stability and promote a stable and democratic political environment. It shall encompass cooperation strategies as well as global and sectoral policies, including environment, gender, migration and questions related to the cultural heritage.
4. The dialogue shall focus, inter alia, on specific political issues of mutual concern or of general significance for the attainment of the objectives of this Agreement, such as the arms trade, excessive military expenditure, drugs and organised crime, or ethnic, religious or racial discrimination. The dialogue shall also encompass a regular assessment of the developments concerning the respect for human rights, democratic principles, the rule of law and good governance.
5. Broadly based policies to promote peace and to prevent, manage and resolve violent conflicts shall play a prominent role in this dialogue, as shall the need to take full account of the objective of peace and democratic stability in the definition of priority areas of cooperation.
6. The dialogue shall be conducted in a flexible manner. Dialogue shall be formal or informal according to the need, and conducted within and outside the institutional framework, in the appropriate format, and at the appropriate level including regional, sub-regional or national level.
7. Regional and sub-regional organisations as well as representatives of civil society organisations shall be associated with this dialogue.

ARTICLE 9

Essential Elements and Fundamental Element

1. Cooperation shall be directed towards sustainable development centred on the human person, who is the main protagonist and beneficiary of development; this entails respect for and promotion of all human rights.

Respect for all human rights and fundamental freedoms, including respect for fundamental social rights, democracy based on the rule of law and transparent and accountable governance are an integral part of sustainable development.

2. The Parties refer to their international obligations and commitments concerning respect for human rights. They reiterate their deep attachment to human dignity and human rights, which are legitimate aspirations of individuals and peoples. Human rights are universal, indivisible and inter-related. The Parties undertake to promote and protect all fundamental freedoms and human rights, be they civil and political, or economic, social and cultural. In this context, the Parties reaffirm the equality of men and women.

The Parties reaffirm that democratisation, development and the protection of fundamental freedoms and human rights are interrelated and mutually reinforcing. Democratic principles are universally recognised principles underpinning the organisation of the State to ensure the legitimacy of its authority, the legality of its actions reflected in its constitutional, legislative and regulatory system, and the existence of participatory mechanisms. On the basis of universally recognised principles, each country develops its democratic culture.

The structure of government and the prerogatives of the different powers shall be founded on rule of law, which shall entail in particular effective and accessible means of legal redress, an independent legal system guaranteeing equality before the law and an executive that is fully subject to the law.

Respect for human rights, democratic principles and the rule of law, which underpin the ACP-EU Partnership, shall underpin the domestic and international policies of the Parties and constitute the essential elements of this Agreement.

3. In the context of a political and institutional environment that upholds human rights, democratic principles and the rule of law, good governance is the transparent and accountable management of human, natural, economic and financial resources for the purposes of equitable and sustainable development. It entails clear decision-making procedures at the level of public authorities, transparent and accountable institutions, the primacy of law in the management and distribution of resources and capacity building for elaborating and implementing measures aiming in particular at preventing and combating corruption.

Good governance, which underpins the ACP-EU Partnership, shall underpin the domestic and international policies of the Parties and constitute a fundamental element of this Agreement. The Parties agree that only serious cases of corruption, including acts of bribery leading to such corruption, as defined in Article 97 constitute a violation of that element.

4. The Partnership shall actively support the promotion of human rights, processes of democratisation, consolidation of the rule of law, and good governance.

These areas will be an important subject for the political dialogue. In the context of this dialogue, the Parties shall attach particular importance to the changes underway and to the continuity of the progress achieved. This regular assessment shall take into account each country's economic, social, cultural and historical context.

These areas will also be a focus of support for development strategies. The Community shall provide support for political, institutional and legal reforms and for building the capacity of public and private actors and civil society in the framework of strategies agreed jointly between the State concerned and the Community.

ARTICLE 10

Other elements of the political environment

1. The Parties consider the following elements as contributing to the maintenance and consolidation of a stable and democratic political environment:

- sustainable and equitable development involving, inter alia, access to productive resources, essential services and justice;
- greater involvement of an active and organised civil society and the private sector.

2. The Parties recognise that the principles of the market economy, supported by transparent competition rules and sound economic and social policies, contribute to achieving the objectives of the partnership.

...

ARTICLE 33

Institutional development and capacity building

1. Cooperation shall pay systematic attention to institutional aspects and in this context, shall support the efforts of the ACP States to develop and strengthen structures, institutions and procedures that help to:

- a. promote and sustain democracy, human dignity, social justice and pluralism, with full respect for diversity within and among societies;
- b. promote and sustain universal and full respect for and observance and protection of all human rights and fundamental freedoms;
- c. develop and strengthen the rule of law; and improve access to justice, while guaranteeing the professionalism and independence of the judicial systems; and
- d. ensure transparent and accountable governance and administration in all public institutions.

2. The Parties shall work together in the fight against bribery and corruption in all their societies.

3. Cooperation shall support ACP States' efforts to develop their public institutions into a positive force for growth and development and to achieve major improvements in the efficiency of government services as they affect the lives of ordinary people. In this context, cooperation shall assist the reform, rationalisation and the modernisation of the public sector. Specifically, cooperation support shall focus on:

- a. the reform and modernisation of the civil service;
- b. legal and judicial reforms and modernisation of justice systems;
- c. improvement and strengthening of public finance management;
- d. accelerating reforms of the banking and financial sector;
- e. improvement of the management of public assets and reform of public procurement procedures; and
- f. political, administrative, economic and financial decentralisation.

...

5. Cooperation shall span all areas and sectors of cooperation to foster the emergence of non-State actors and the development of their capacities; and to strengthen structures for information, dialogue and consultation between them and the national authorities, including at regional level.

...

G. ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE (CSCE)

22. the Conference on the Human dimension of the CSCE

The OSCE has established a number of tools to supervise the implementation of commitments that the participating States have undertaken in the field of human rights and democracy (the human dimension of the OSCE).

One of these tools, the so-called Human Dimension Mechanism, can be invoked on an ad hoc basis by any individual participating State or group of States. It is composed of two instruments: the Vienna Mechanism (established in the Vienna Concluding Document of 1989) and the Moscow Mechanism (established at the last meeting of the Conference on the Human Dimension in Moscow in 1991), the latter partly constituting a further elaboration of the Vienna Mechanism.

The Vienna Mechanism allows participating States, through an established set of procedures, to raise questions relating to the human dimension situation in other OSCE States. The Moscow Mechanism builds on this and provides for the additional possibility for participating States to establish ad hoc missions of independent experts to assist in the resolution of a specific human dimension problem either on their own territory or in other OSCE participating States.

The ODIHR is designated to provide support for the implementation of the Moscow Mechanism, and it maintains a list of experts appointed by some of the participating States who are available to carry out such investigations.

...

23. Vienna Mechanism

VIENNA 1989 ("Human Dimension of the CSCE", par. 1 to 4)

The participating States,

Recalling the undertakings entered into in the Final Act and in other CSCE documents concerning respect for all human rights and fundamental freedoms, human contacts and other issues of a related humanitarian character,

Recognizing the need to improve the implementation of their CSCE commitments and their co-operation in these areas which are hereafter referred to as the human dimension of the CSCE,

Have, on the basis of the principles and provisions of the Final Act and of other relevant CSCE documents, decided:

1. to exchange information and respond to requests for information and to representations made to them by other participating States on questions relating to the human dimension of the CSCE. Such communications may be forwarded through diplomatic channels or be addressed to any agency designated for these purposes;
2. to hold bilateral meetings with other participating States that so request, in order to examine questions relating to the human dimension of the CSCE, including situations and specific cases, with a view to resolving them. The date and place of such meetings will be arranged by mutual agreement through diplomatic channels;
3. that any participating State which deems it necessary may bring situations and cases in the human dimension of the CSCE, including those which have been raised at the bilateral meetings described in paragraph 2, to the attention of other participating States through diplomatic channels;
4. that any participating State which deems it necessary may provide information on the exchanges of information and the responses to its requests for information and to representations (paragraph 1) and on the results of the bilateral meetings (paragraph 2), including information concerning situations and specific cases, at the meetings of the Conference on the Human Dimension as well as at the main CSCE Follow-up Meeting.

24. Moscow Mechanism

MOSCOW 1991 (Par. 1 to 16) as amended by ROME 1993 (Chapter IV, par. 5)

In order to strengthen and expand the human dimension mechanism described in the section on the human dimension of the CSCE in the Concluding Document of the Vienna Meeting and to build upon and deepen the commitments set forth in the Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE, the participating States adopt the following:

(1) The participating States emphasize that the human dimension mechanism described in paragraphs 1 to 4 of the section on the human dimension of the CSCE in the Vienna Concluding Document constitutes an essential achievement of the CSCE process, having demonstrated its value as a method of furthering respect for human rights, fundamental freedoms, democracy and the rule of law through dialogue and co-operation and assisting in the resolution of specific relevant questions.

In order to improve further the implementation of the CSCE commitments in the human dimension, they decide to enhance the effectiveness of this mechanism and to strengthen and expand it as outlined in the following paragraphs.

(2) The participating States amend paragraphs 42.1 and 42.2 of the Document of the Copenhagen Meeting to the effect that they will provide in the shortest possible time, but no later than ten days, a written response to requests for information and to representations made to them in writing by other participating States under paragraph 1 of the human dimension mechanism. Bilateral meetings, as referred to in paragraph 2 of the human dimension mechanism, will take place as soon as possible, and as a rule within one week of the date of the request.

(3) A resource list comprising up to six experts appointed by each participating State will be established without delay at the CSCE Institution. The experts will be eminent persons, including where possible experts with experience related to national minority issues, preferably experienced in the field of the human dimension, from whom an impartial performance of their functions may be expected.

The experts will be appointed for a period of three to six years at the discretion of the appointing State, no expert serving more than two consecutive terms. Within four weeks after notification by the CSCE Institution of the appointment, any participating State may make reservations regarding no more than two experts to be appointed by another participating State. In such case, the appointing State may, within four weeks of being notified of such reservations, reconsider its decision and appoint another expert or experts; if it confirms the appointment originally intended, the expert concerned cannot take part in any procedure with respect to the State having made the reservation without the latter's express consent.

The resource list will become operational as soon as 45 experts have been appointed.

(4) A participating State may invite the assistance of a CSCE mission, consisting of up to three experts, to address or contribute to the resolution of questions in its territory relating to the human dimension of the CSCE. In such case, the State will select the person or persons concerned from the resource list. The mission of experts will not include the participating State's own nationals or

residents or any of the persons it appointed to the resource list or more than one national or resident of any particular State.

The inviting State will inform without delay the CSCE Institution when a mission of experts is established, which in turn will notify all participating States. The CSCE institutions will also, whenever necessary, provide appropriate support to such a mission.

(5) The purpose of a mission of experts is to facilitate resolution of a particular question or problem relating to the human dimension of the CSCE. Such mission may gather the information necessary for carrying out its tasks and, as appropriate, use its good offices and mediation services to promote dialogue and co-operation among interested parties. The State concerned will agree with the mission on the precise terms of reference and may thus assign any further functions to the mission of experts, inter alia, fact-finding and advisory services, in order to suggest ways and means of facilitating the observance of CSCE commitments.

(6) The inviting State will co-operate fully with the mission of experts and facilitate its work. It will grant the mission all the facilities necessary for the independent exercise of its functions. It will, inter alia, allow the mission, for the purpose of carrying out its tasks, to enter its territory without delay, to hold discussions and to travel freely therein, to meet freely with officials, non-governmental organizations and any group or person from whom it wishes to receive information.

The mission may also receive information in confidence from any individual, group or organization on questions it is addressing. The members of such missions will respect the confidential nature of their task.

The participating States will refrain from any action against persons, organizations or institutions on account of their contact with the mission of experts or of any publicly available information transmitted to it. The inviting State will comply with any request from a mission of experts to be accompanied by officials of that State if the mission considers this to be necessary to facilitate its work or guarantee its safety.

(7) The mission of experts will submit its observations to the inviting State as soon as possible, preferably within three weeks after the mission has been established. The inviting State will transmit the observations of the mission, together with a description of any action it has taken or intends to take upon it, to the other participating States via the CSCE Institution no later than two weeks after the submission of the observations.

These observations and any comments by the inviting State may be discussed by the Committee of Senior Officials, which may consider any possible follow-up action. The observations and comments will remain confidential until brought to the attention of the Senior Officials. Before the circulation of the observations and any comments, no other mission of experts may be appointed for the same issue.

(8) Furthermore, one or more participating States, having put into effect paragraphs 1 or 2 of the human dimension mechanism, may request that the CSCE Institution inquire of another participating State whether it would agree to invite a mission of experts to address a particular, clearly defined question on its territory relating to the human dimension of the CSCE. If the other participating State agrees to invite a mission of experts for the purpose indicated, the procedure set forth in paragraphs 4 to 7 will apply.

(9) If a participating State (a) has directed an enquiry under paragraph 8 to another participating State and that State has not established a mission of experts within a period of ten days after the enquiry has been made, or (b) judges that the issue in question has not been resolved as a result of a mission of experts, it may, with the support of at least five other participating States, initiate the establishment of a mission of up to three CSCE rapporteurs. Such a decision will be addressed to the CSCE Institution, which will notify without delay the State concerned as well as all the other participating States.

(10) The requesting State or States may appoint one person from the resource list to serve as a CSCE rapporteur. The requested State may, if it so chooses, appoint a further rapporteur from the resource list within six days after notification by the CSCE Institution of the appointment of the rapporteur. In such case the two designated rapporteurs, who will not be nationals or residents of, or persons appointed to the resource list by any of the States concerned, will by common agreement and without delay appoint a third rapporteur from the resource list. In case they fail to reach agreement within eight days, a third rapporteur who will not be a national or resident of, or a person appointed to the resource list by any of the States concerned, will be appointed from the resource list by the ranking official of the CSCE body designated by the Council. The provisions of the second part of paragraph 4 and the whole of paragraph 6 also apply to a mission of rapporteurs.

(11) The CSCE rapporteur(s) will establish the facts, report on them and may give advice on possible solutions to the question raised. The report of the rapporteur(s), containing observations of facts, proposals or advice, will be submitted to the participating State or States concerned and, unless all the States concerned agree otherwise, to the CSCE Institution no later than two weeks after the last rapporteur has been appointed. The requested State will submit any observations on the report to the CSCE Institution, unless all the States concerned agree otherwise, no later than two weeks after the submission of the report.

The CSCE Institution will transmit the report, as well as any observations by the requested State or any other participating State, to all participating States without delay. The report will be placed on the agenda of the next regular meeting of the Committee of Senior Officials or of the Permanent Committee of the CSCE, which may decide on any possible follow-up action. The report will remain confidential until after that meeting of the Committee. Before the circulation of the report no other rapporteur may be appointed for the same issue.

(12) If a participating State considers that a particularly serious threat to the fulfilment of the provisions of the CSCE human dimension has arisen in another participating State, it may, with the support of at least nine other participating States, engage the procedure set forth in paragraph 10. The provisions of paragraph 11 will apply.

(13) Upon the request of any participating State the Committee of Senior Officials or the Permanent Committee of the CSCE may decide to establish a mission of experts or of CSCE rapporteurs. In such case the Committee will also determine whether to apply the appropriate provisions of the preceding paragraphs.

(14) The participating State or States that have requested the establishment of a mission of experts or rapporteurs will cover the expenses of that mission. In case of the appointment of experts or rapporteurs pursuant to a decision of the Committee of Senior Officials or of the Permanent Committee of the CSCE, the expenses will be covered by the participating States in

accordance with the usual scale of distribution of expenses. These procedures will be reviewed by the Helsinki Follow-up Meeting of the CSCE.

(15) Nothing in the foregoing will in any way affect the right of participating States to raise within the CSCE process any issue relating to the implementation of any CSCE commitment, including any commitment relating to the human dimension of the CSCE.

(16) In considering whether to invoke the procedures in paragraphs 9 and 10 or 12 regarding the case of an individual, participating States should pay due regard to whether that individual's case is already sub judice in an international judicial procedure. Any reference to the Committee of Senior Officials in this document is subject to the decision of that Committee and the Council.

25. Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE

(29 June 1990)

(Excerpts)

...

I

(1) The participating States express their conviction that the protection and promotion of human rights and fundamental freedoms is one of the basic purposes of government, and reaffirm that the recognition of these rights and freedoms constitutes the foundation of freedom, justice and peace.

(2) They are determined to support and advance those principles of justice which form the basis of the rule of law. They consider that the rule of law does not mean merely a formal legality which assures regularity and consistency in the achievement and enforcement of democratic order, but justice based on the recognition and full acceptance of the supreme value of the human personality and guaranteed by institutions providing a framework for its fullest expression.

(3) They reaffirm that democracy is an inherent element of the rule of law. They recognize the importance of pluralism with regard to political organizations.

(4) They confirm that they will respect each others right freely to choose and develop, in accordance with international human rights standards, their political, social, economic and cultural systems. In exercising this right, they will ensure that their laws, regulations, practices and policies conform with their obligations under international law and are brought into harmony with the provisions of the Declaration on Principles and other CSCE commitments.

(5) They solemnly declare that among those elements of justice which are essential to the full expression of the inherent dignity and of the equal and inalienable rights of all human beings are the following:

(5.1) - free elections that will be held at reasonable intervals by secret ballot or by equivalent free voting procedure, under conditions which ensure in practice the free expression of the opinion of the electors in the choice of their representatives;

(5.2) - a form of government that is representative in character, in which the executive is accountable to the elected legislature or the electorate;

(5.3) - the duty of the government and public authorities to comply with the constitution and to act in a manner consistent with law;

(5.4) - a clear separation between the State and political parties; in particular, political parties will not be merged with the State;

(5.5) - the activity of the government and the administration as well as that of the judiciary will be exercised in accordance with the system established by law. Respect for that system must be ensured;

(5.6) - military forces and the police will be under the control of, and accountable to, the civil authorities;

(5.7) - human rights and fundamental freedoms will be guaranteed by law and in accordance with their obligations under international law;

(5.8) - legislation, adopted at the end of a public procedure, and regulations will be published, that being the condition for their applicability. Those texts will be accessible to everyone;

(5.9) - all persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law will prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground;

(5.10) - everyone will have an effective means of redress against administrative decisions, so as to guarantee respect for fundamental rights and ensure legal integrity;

(5.11) - administrative decisions against a person must be fully justifiable and must as a rule indicate the usual remedies available;

(5.12) - the independence of judges and the impartial operation of the public judicial service will be ensured;

(5.13) - the independence of legal practitioners will be recognized and protected, in particular as regards conditions for recruitment and practice;

(5.14) - the rules relating to criminal procedure will contain a clear definition of powers in relation to prosecution and the measures preceding and accompanying prosecution;

(5.15) - any person arrested or detained on a criminal charge will have the right, so that the lawfulness of his arrest or detention can be decided, to be brought promptly before a judge or other officer authorized by law to exercise this function;

(5.16) - in the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone will be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law;

(5.17) - any person prosecuted will have the right to defend himself in person or through prompt legal assistance of his own choosing or, if he does not have sufficient means to pay for legal assistance, to be given it free when the interests of justice so require;

(5.18) - no one will be charged with, tried for or convicted of any criminal offence unless the offence is provided for by a law which defines the elements of the offence with clarity and precision;

(5.19) - everyone will be presumed innocent until proved guilty according to law;

(5.20) - considering the important contribution of international instruments in the field of human rights to the rule of law at a national level, the participating States reaffirm that they will consider acceding to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and other relevant international instruments, if they have not yet done so;

(5.21) - in order to supplement domestic remedies and better to ensure that the participating States respect the international obligations they have undertaken, the participating States will consider acceding to a regional or global international convention concerning the protection of human rights, such as the European Convention on Human Rights or the Optional Protocol to the International Covenant on Civil and Political Rights, which provide for procedures of individual recourse to international bodies.

(6) The participating States declare that the will of the people, freely and fairly expressed through periodic and genuine elections, is the basis of the authority and legitimacy of all government. The participating States will accordingly respect the right of their citizens to take part in the governing of their country, either directly or through representatives freely chosen by them through fair electoral processes. They recognize their responsibility to defend and protect, in accordance with their laws, their international human rights obligations and their international commitments, the democratic order freely established through the will of the people against the activities of persons, groups or organizations that engage in or refuse to renounce terrorism or violence aimed at the overthrow of that order or of that of another participating State.

(7) To ensure that the will of the people serves as the basis of the authority of government, the participating States will

(7.1) - hold free elections at reasonable intervals, as established by law;

(7.2) - permit all seats in at least one chamber of the national legislature to be freely contested in a popular vote;

(7.3) - guarantee universal and equal suffrage to adult citizens;

(7.4) - ensure that votes are cast by secret ballot or by equivalent free voting procedure, and that they are counted and reported honestly with the official results made public;

(7.5) - respect the right of citizens to seek political or public office, individually or as representatives of political parties or organizations, without discrimination;

(7.6) - respect the right of individuals and groups to establish, in full freedom, their own political parties or other political organizations and provide such political parties and organizations with the necessary legal guarantees to enable them to compete with each other on a basis of equal treatment before the law and by the authorities;

(7.7) - ensure that law and public policy work to permit political campaigning to be conducted in a fair and free atmosphere in which neither administrative action, violence nor intimidation bars the parties and the candidates from freely presenting their views and qualifications, or prevents the voters from learning and discussing them or from casting their vote free of fear of retribution;

(7.8) - provide that no legal or administrative obstacle stands in the way of unimpeded access to the media on a non-discriminatory basis for all political groupings and individuals wishing to participate in the electoral process;

(7.9) - ensure that candidates who obtain the necessary number of votes required by law are duly installed in office and are permitted to remain in office until their term expires or is otherwise brought to an end in a manner that is regulated by law in conformity with democratic parliamentary and constitutional procedures.

(8) The participating States consider that the presence of observers, both foreign and domestic, can enhance the electoral process for States in which elections are taking place. They therefore invite observers from any other CSCE participating States and any appropriate private institutions and organizations who may wish to do so to observe the course of their national election proceedings, to the extent permitted by law. They will also endeavour to facilitate similar access for election proceedings held below the national level. Such observers will undertake not to interfere in the electoral proceedings.

II

(9) The participating States reaffirm that

(9.1) - everyone will have the right to freedom of expression including the right to communication. This right will include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. The exercise of this right may be subject only to such restrictions as are prescribed by law and are consistent with international standards. In particular, no limitation will be imposed on access to, and use of, means of reproducing documents of

any kind, while respecting, however, rights relating to intellectual property, including copyright;

(9.2) - everyone will have the right of peaceful assembly and demonstration. Any restrictions which may be placed on the exercise of these rights will be prescribed by law and consistent with international standards;

(9.3) - the right of association will be guaranteed. The right to form and subject to the general right of a trade union to determine its own membership freely to join a trade union will be guaranteed. These rights will exclude any prior control. Freedom of association for workers, including the freedom to strike, will be guaranteed, subject to limitations prescribed by law and consistent with international standards;

(9.4) - everyone will have the right to freedom of thought, conscience and religion. This right includes freedom to change ones religion or belief and freedom to manifest ones religion or belief, either alone or in community with others, in public or in private, through worship, teaching, practice and observance. The exercise of these rights may be subject only to such restrictions as are prescribed by law and are consistent with international standards;

(9.5) - they will respect the right of everyone to leave any country, including his own, and to return to his country, consistent with a States international obligations and CSCE commitments. Restrictions on this right will have the character of very rare exceptions, will be considered necessary only if they respond to a specific public need, pursue a legitimate aim and are proportionate to that aim, and will not be abused or applied in an arbitrary manner;

(9.6) - everyone has the right peacefully to enjoy his property either on his own or in common with others. No one may be deprived of his property except in the public interest and subject to the conditions provided for by law and consistent with international commitments and obligations.

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(23) The participating States reaffirm their conviction expressed in the Vienna Concluding Document that the promotion of economic, social and cultural rights as well as of civil and political rights is of paramount importance for human dignity and for the attainment of the legitimate aspirations of every individual. They also reaffirm their commitment taken in the Document of the Bonn Conference on Economic Co-operation in Europe to the promotion of social justice and the improvement of living and working conditions. In the context of continuing their efforts with a view to achieving progressively the full realization of economic, social and cultural rights by all appropriate means, they will pay special attention to problems in the areas of employment, housing, social security, health, education and culture.

(24) The participating States will ensure that the exercise of all the human rights and fundamental freedoms set out above will not be subject to any restrictions except those which are provided by law and are consistent with their obligations under international law, in particular the International Covenant on Civil and Political Rights, and with their international commitments, in particular the Universal Declaration of Human Rights. These restrictions have the character of exceptions. The participating States will ensure that these restrictions are not abused and are not applied in an arbitrary manner, but in such a way that the effective exercise of these rights is ensured.

Any restriction on rights and freedoms must, in a democratic society, relate to one of the objectives of the applicable law and be strictly proportionate to the aim of that law.

(25) The participating States confirm that any derogations from obligations relating to human rights and fundamental freedoms during a state of public emergency must remain strictly within the limits provided for by international law, in particular the relevant international instruments by which they are bound, especially with respect to rights from which there can be no derogation. They also reaffirm that

(25.1) - measures derogating from such obligations must be taken in strict conformity with the procedural requirements laid down in those instruments;

(25.2) - the imposition of a state of public emergency must be proclaimed officially, publicly, and in accordance with the provisions laid down by law;

(25.3) - measures derogating from obligations will be limited to the extent strictly required by the exigencies of the situation;

(25.4) - such measures will not discriminate solely on the grounds of race, colour, sex, language, religion, social origin or of belonging to a minority.

III

(26) The participating States recognize that vigorous democracy depends on the existence as an integral part of national life of democratic values and practices as well as an extensive range of democratic institutions. They will therefore encourage, facilitate and, where appropriate, support practical co-operative endeavours and the sharing of information, ideas and expertise among themselves and by direct contacts and co-operation between individuals, groups and organizations in areas including the following:

- constitutional law, reform and development,
- electoral legislation, administration and observation,
- establishment and management of courts and legal systems,

- the development of an impartial and effective public service where recruitment and advancement are based on a merit system,
- law enforcement,
- local government and decentralization,
- access to information and protection of privacy,
- developing political parties and their role in pluralistic societies,
- free and independent trade unions,
- co-operative movements,
- developing other forms of free associations and public interest groups,
- journalism, independent media, and intellectual and cultural life,
- the teaching of democratic values, institutions and practices in educational institutions and the fostering of an atmosphere of free enquiry.

Such endeavours may cover the range of co-operation encompassed in the human dimension of the CSCE, including training, exchange of information, books and instructional materials, co-operative programmes and projects, academic and professional exchanges and conferences, scholarships, research grants, provision of expertise and advice, business and scientific contacts and programmes.

(27) The participating States will also facilitate the establishment and strengthening of independent national institutions in the area of human rights and the rule of law, which may also serve as focal points for co-ordination and collaboration between such institutions in the participating States. They propose that co-operation be encouraged between parliamentarians from participating States, including through existing inter-parliamentary associations and, *inter alia*, through joint commissions, television debates involving parliamentarians, meetings and round-table discussions. They will also encourage existing institutions, such as organizations within the United Nations system and the Council of Europe, to continue and expand the work they have begun in this area.

(28) The participating States recognize the important expertise of the Council of Europe in the field of human rights and fundamental freedoms and agree to consider further ways and means to enable the Council of Europe to make a contribution to the human dimension of the CSCE. They agree that the nature of this contribution could be examined further in a future CSCE forum.

(29) The participating States will consider the idea of convening a meeting or seminar of experts to review and discuss co-operative measures designed to promote and sustain

viable democratic institutions in participating States, including comparative studies of legislation in participating States in the area of human rights and fundamental freedoms, *inter alia* drawing upon the experience acquired in this area by the Council of Europe and the activities of the Commission "Democracy through Law".

...

V

(41) The participating States reaffirm their commitment to the human dimension of the CSCE and emphasize its importance as an integral part of a balanced approach to security and co-operation in Europe. They agree that the Conference on the Human Dimension of the CSCE and the human dimension mechanism described in the section on the human dimension of the CSCE of the Vienna Concluding Document have demonstrated their value as methods of furthering their dialogue and co-operation and assisting in the resolution of relevant specific questions. They express their conviction that these should be continued and developed as part of an expanding CSCE process.

(42) The participating States recognize the need to enhance further the effectiveness of the procedures described in paragraphs 1 to 4 of the section on the human dimension of the CSCE of the Vienna Concluding Document and with this aim decide

(42.1) - to provide in as short a time as possible, but no later than four weeks, a written response to requests for information and to representations made to them in writing by other participating States under paragraph 1;

(42.2) - that the bilateral meetings, as contained in paragraph 2, will take place as soon as possible, as a rule within three weeks of the date of the request;

(42.3) - to refrain, in the course of a bilateral meeting held under paragraph 2, from raising situations and cases not connected with the subject of the meeting, unless both sides have agreed to do so.

(43) The participating States examined practical proposals for new measures aimed at improving the implementation of the commitments relating to the human dimension of the CSCE. In this regard, they considered proposals related to the sending of observers to examine situations and specific cases, the appointment of rapporteurs to investigate and suggest appropriate solutions, the setting up of a Committee on the Human Dimension of the CSCE, greater involvement of persons, organizations and institutions in the human dimension mechanism and further bilateral and multilateral efforts to promote the resolution of relevant issues.

They decide to continue to discuss thoroughly in subsequent relevant CSCE fora these and other proposals designed to strengthen the human dimension mechanism, and to consider adopting, in the context of the further development of the CSCE process, appropriate new measures. They agree that these measures should contribute to achieving

further effective progress, enhance conflict prevention and confidence in the field of the human dimension of the CSCE.

* * *

(44) The representatives of the participating States express their profound gratitude to the people and Government of Denmark for the excellent organization of the Copenhagen Meeting and the warm hospitality extended to the delegations which participated in the Meeting.

(45) In accordance with the provisions relating to the Conference on the Human Dimension of the CSCE contained in the Concluding Document of the Vienna Follow-up Meeting of the CSCE, the third Meeting of the Conference will take place in Moscow from 10 September to 4 October 1991.

Copenhagen, 29 June 1990

26. Charter of Paris for a New Europe

19 - 21 November 1990

(Excerpts)

Meeting of the Heads of State or Government of the participating States of the Conference on Security and Co-operation in Europe (CSCE): Austria, Belgium, Bulgaria, Canada, Cyprus, Czech and Slovak Federal Republic, Denmark, Finland, France, Germany, Greece, Holy See, Hungary, Iceland, Ireland, Italy -European Community, Liechtenstein, Luxembourg, Malta, Monaco, Netherlands, Norway, Poland, Portugal, Romania, San Marino, Spain, Sweden, Switzerland, Turkey, Union of Soviet Socialist Republics, United Kingdom, United States of America and Yugoslavia

A new era of Democracy, Peace and Unity

We, the Heads of State or Government of the States participating in the Conference on Security and Co-operation in Europe, have assembled in Paris at a time of profound change and historic expectations. The era of confrontation and division of Europe has ended. We declare that henceforth our relations will be founded on respect and co-operation.

Europe is liberating itself from the legacy of the past. The courage of men and women, the strength of the will of the peoples and the power of the ideas of the Helsinki Final Act have opened a new era of democracy, peace and unity in Europe.

Ours is a time for fulfilling the hopes and expectations our peoples have cherished for decades : steadfast commitment to democracy based on human rights and fundamental freedoms; prosperity through economic liberty and social justice; and equal security for all our countries.

The Ten Principles of the Final Act will guide us towards this ambitious future, just as they have lighted our way towards better relations for the past fifteen years. Full implementation of all CSCE commitments must form the basis for the initiatives we are now taking to enable our nations to live in accordance with their aspirations.

Human Rights, Democracy and Rule of Law

We undertake to build, consolidate and strengthen democracy as the only system of government of our nations. In this endeavour, we will abide by the following:

Human rights and fundamental freedoms are the birthright of all human beings, are inalienable and are guaranteed by law. Their protection and promotion is the first responsibility of government. Respect for them is an essential safeguard against an over-mighty State. Their observance and full exercise are the foundation of freedom, justice and peace.

Democratic government is based on the will of the people, expressed regularly through free and fair elections. Democracy has as its foundation respect for the human person and the rule of law. Democracy is the best safeguard of freedom of expression, tolerance of all groups of society, and equality of opportunity for each person.

Democracy, with its representative and pluralist character, entails accountability to the electorate, the obligation of public authorities to comply with the law and justice administered impartially. No one will be above the law.

We affirm that, without discrimination,

every individual has the right to freedom of thought, conscience and religion or belief,
freedom of expression,
freedom of association and peaceful assembly,
freedom of movement,

no one will be:

subject to arbitrary arrest or detention,
subject to torture or other cruel, inhuman or degrading treatment or punishment;

everyone also has the right :

to know and act upon his rights,
to participate in free and fair elections,
to fair and public trial if charged with an offence,
to own property alone or in association and to exercise individual enterprise,
to enjoy his economic, social and cultural rights.

We affirm that the ethnic, cultural, linguistic and religious identity of national minorities will be protected and that persons belonging to national minorities have the right freely to express, preserve and develop that identity without any discrimination and in full equality before the law.

We will ensure that everyone will enjoy recourse to effective remedies, national or international, against any violation of his rights.

Full respect for these precepts is the bedrock on which we will seek to construct the new Europe.

Our States will co-operate and support each other with the aim of making democratic gains irreversible.

...

Guidelines for the future

Proceeding from our firm commitment to the full implementation of all CSCE principles and provisions, we now resolve to give a new impetus to a balanced and comprehensive development of our co-operation in order to address the needs and aspirations of our peoples.

Human Dimension

We declare our respect for human rights and fundamental freedoms to be irrevocable. We will fully implement and build upon the provisions relating to the human dimension of the CSCE.

Proceeding from the Document of the Copenhagen Meeting of the Conference on the Human Dimension, we will cooperate to strengthen democratic institutions and to promote the application of the rule of law. To that end, we decide to convene a seminar of experts in Oslo from 4 to 15 November 1991.

Determined to foster the rich contribution of national minorities to the life of our societies, we undertake further to improve their situation. We reaffirm our deep conviction that friendly relations among our peoples, as well as peace, justice, stability and democracy, require that the ethnic, cultural, linguistic and religious identity of national minorities be protected and conditions for the promotion of that identity be created. We declare that questions related to national minorities can only be satisfactorily resolved in a democratic political framework. We further acknowledge that the rights of persons belonging to national minorities must be fully respected as part of universal human rights. Being aware of the urgent need for increased cooperation on, as well as better protection of, national minorities, we decide to convene a meeting of experts on national minorities to be held in Geneva from 1 to 19 July 1991.

We express our determination to combat all forms of racial and ethnic hatred, antisemitism, xenophobia and discrimination against anyone as well as persecution on religious and ideological grounds.

In accordance with our CSCE commitments, we stress that free movement and contacts among our citizens as well as the free flow of information and ideas are crucial for the maintenance and development of free societies and flourishing cultures. We welcome increased tourism and visits among our countries.

The human dimension mechanism has proved its usefulness, and we are consequently determined to expand it to include new procedures involving, *inter alia*, the services of experts or a roster of eminent persons experienced in human rights issues which could be raised under the mechanism. We shall provide, in the context of the mechanism, for individuals to be involved in the protection of their rights. Therefore, we undertake to develop further our commitments in this respect, in particular at the Moscow Meeting of the Conference on the Human Dimension, without prejudice to obligations under existing international instruments to which our States may be parties.

We recognize the important contribution of the Council of Europe to the promotion of human rights and the principles of democracy and the rule of law as well as to the development of cultural co-operation. We welcome moves by several participating States to join the Council of Europe and adhere to its European Convention on Human Rights. We welcome as well the readiness of the Council of Europe to make its experience available to the CSCE.

...

H. COUNCIL OF EUROPE – VENICE COMMISSION

27. Code of Good Practice in Electoral Matters (July 2002)

(adopted guidelines and draft explanatory report)

Introduction

On 8 November 2001 the Standing Committee of the Parliamentary Assembly, acting on behalf of the Assembly, adopted Resolution 1264 (2001) inviting the Venice Commission:

- i. to set up a working group, comprising representatives of the Parliamentary Assembly, the CLRAE and possibly other organisations with experience in the matter, with the aim of discussing electoral issues on a regular basis;*
- ii. to devise a code of practice in electoral matters which might draw, inter alia, on the guidelines set out in the appendix to the explanatory memorandum of the report on which this resolution is based (Doc. 9267), on the understanding that this code should include rules both on the run-up to the election, the elections themselves and on the period immediately following the vote;*
- iii. as far as its resources allow, to compile a list of the underlying principles of European electoral systems by co-ordinating, standardising and developing current and planned surveys and activities. In the medium term, the data collected on European elections should be entered into a database, and analysed and disseminated by a specialised unit.*

The following guidelines are a concrete response to the three aspects of this resolution. They were adopted by the Council for Democratic Elections – the joint working group provided for by the Parliamentary Assembly resolution – at its second meeting (3 July 2002) and subsequently by the Venice Commission at its 51st Session (5-6 July 2002); they are based on the underlying principles of Europe's electoral heritage; lastly and above all, they constitute the core of a code of good practice in electoral matters.

The explanatory report explains the principles set forth in the guidelines, defining and clarifying them and, where necessary, including recommendations on points of detail.

As requested in the Parliamentary Assembly's resolution, this document is based on the guidelines appended to the explanatory memorandum to the report on which the Assembly resolution was based (Doc. 9267). It is also based on the work of the Venice Commission in the electoral field, as summarised in Document CDL (2002) 7.

GUIDELINES ON ELECTIONS

(adopted by the Venice Commission at its 51st Plenary Session, Venice, 5-6 July 2002)

I. Principles of Europe's electoral heritage

The five principles underlying Europe's electoral heritage are *universal, equal, free, secret and direct suffrage*. Furthermore, elections must be held at regular intervals.

1. Universal suffrage

a. Universal suffrage means in principle that all human beings have the right to vote and to stand for election. This right may, however, and indeed should, be subject to certain conditions:

aa. Age

- i. The right to vote and to be elected must be subject to a minimum age.
- ii. The right to vote must be acquired, at the latest, at the age of majority.
- iii. The right to stand for election should preferably be acquired at the same age as the right to vote and in any case not later than the age of 25, except where there are specific qualifying ages for certain offices (e.g. member of the upper house of parliament, Head of State).

bb. Nationality

- i. A nationality requirement may apply.
- ii. However, it would be advisable for foreigners to be allowed to vote in local elections after a certain period of residence.

cc. Residence

- i. A residence requirement may be imposed.
- ii. Residence in this case means habitual residence.
- iii. A length of residence requirement may be imposed on nationals solely for local or regional elections.
- iv. The requisite period of residence should not exceed six months; a longer period may be required only to protect national minorities.
- v. the right to vote and to be elected may be accorded to citizens residing abroad.

dd. Deprivation of the right to vote and to be elected

- i. Provision may be made for depriving individuals of their right to vote and to be elected, but only subject to the following cumulative conditions:
- ii. It must be provided for by law.
- iii. The proportionality principle must be observed; conditions for depriving individuals of the right to stand for election may be less strict than for disenfranchising them.
- iv. The deprivation must be based on mental incapacity or a criminal conviction for a serious offence.
- v. Furthermore, the withdrawal of political rights or finding of mental incapacity may only be imposed by express decision of a court of law.

b. Electoral registers

Fulfilment of the following criteria is essential if electoral registers are to be reliable:

- i. Electoral registers must be permanent.
- ii. There must be regular up-dates, at least once a year. Where voters are not registered automatically, registration must be possible over a relatively long period.
- iii. Electoral registers must be published.
- iv. There should be an administrative procedure - subject to judicial control - or a judicial procedure, allowing for the registration of the voter who was not registered; the registration should not take place at the polling station on election day.
- v. A similar procedure should allow the voter to have incorrect inscriptions amended.

vi. A supplementary register may be a means of giving the vote to persons who have moved or reached statutory voting age since final publication of the register.

c. Submission of candidatures

i. The presentation of individual candidates or lists of candidates may be made conditional on the collection of a minimum number of signatures.

ii. The law should not require collection of the signatures of more than 1% of voters in the constituency concerned.

iii. Checking of signatures must be governed by clear rules, particularly concerning deadlines.

iv. The checking process must in principle cover all signatures; however, once it has been established beyond doubt that the requisite number of signatures has been collected, the remaining signatures need not be checked.

v. Validation of signatures must be completed by the start of the election campaign.

vi. If a deposit is required, it must be refundable should the candidate or party exceed a certain score; the sum and the score requested should not be excessive.

2. Equal suffrage

This entails:

a. Equal voting rights: each voter has in principle one vote; where the electoral system provides voters with more than one vote, each voter has the same number of votes.

b. Equal voting power: seats must be evenly distributed between the constituencies.

i. This must at least apply to elections to lower houses of parliament and regional and local elections:

ii. It entails a clear and balanced distribution of seats among constituencies on the basis of one of the following allocation criteria: population, number of resident nationals (including minors), number of registered voters, and possibly the number of people actually voting. An appropriate combination of these criteria may be envisaged.

iii. The geographical criterion and administrative, or possibly even historical, boundaries may be taken into consideration.

iv. The permissible departure from the norm should not be more than 10%, and should certainly not exceed 15% except in special circumstances (protection of a concentrated minority, sparsely populated administrative entity).

v. In order to guarantee equal voting power, the distribution of seats must be reviewed at least every ten years, preferably outside election periods.

vi. With multi-member constituencies, seats should preferably be redistributed without redefining constituency boundaries, which should, where possible, coincide with administrative boundaries.

vii. When constituency boundaries are redefined – which they must be in a single-member system – it must be done:

- impartially;
- without detriment to national minorities;
- taking account of the opinion of a committee, the majority of whose members are independent; this committee should preferably include a geographer, a sociologist and a balanced representation of the parties and, if necessary, representatives of national minorities.

c. Equality of opportunity

aa. Equality of opportunity must be guaranteed for parties and candidates alike. This entails a neutral attitude by state authorities, in particular with regard to:

- i. the election campaign;
- ii. coverage by the media, in particular by the publicly owned media;
- iii. public funding of parties and campaigns.

bb. Depending on the subject matter, equality may be strict or proportional. If it is strict, political parties are treated on an equal footing irrespective of their current parliamentary strength or support among the electorate. If it is proportional, political parties must be treated according to the results achieved in the elections. Equality of opportunity applies in particular to radio and television air-time, public funds and other forms of backing.

cc. In conformity with freedom of expression, legal provision should be made to ensure that there is a minimum access to privately owned audiovisual media, with regard to the election campaign and to advertising, for all participants in elections.

dd. Political party, candidates and election campaign funding must be transparent.

ee. The principle of equality of opportunity can, in certain cases, lead to a limitation of political party spending, especially on advertising.

d. Representation of national minorities

aa. Parties representing national minorities must be permitted.

bb. Special rules guaranteeing national minorities reserved seats or providing for exceptions to the normal seat allocation criteria for parties representing national minorities (for instance, exemption from a quorum requirement) do not in principle run counter to equal suffrage.

cc. Neither candidates nor voters must find themselves obliged to reveal their membership of a national minority.

e. Equal representation of the sexes

Legal rules requiring a minimum percentage of persons of each gender among candidates should not be considered as contrary to the principle of equal suffrage if they have a constitutional basis.

3. Free suffrage

-

a. Freedom of voters to form an opinion

aa. State authorities must observe their duty of neutrality. In particular, this concerns:

- i. media;
- ii. billposting;
- iii. the right to demonstrate;
- iv. funding of parties and candidates.

bb. The public authorities have a number of positive obligations; inter alia, they must:

- i. submit the candidatures received to the electorate;
- ii. enable voters to know the lists and candidates standing for election, for example through appropriate posting.

- iii. The above information must also be available in the languages of the national minorities.
- cc. Sanctions must be imposed in the case of breaches of duty of neutrality and voters' freedom to form an opinion.

b. Freedom of voters to express their wishes and action to combat electoral fraud

- i. Voting procedures must be simple.
- ii. Voters should always have the possibility of voting in a polling station. Other means of voting are acceptable under the following conditions:
- iii. Postal voting should be allowed only where the postal service is safe and reliable; the right to vote using postal votes may be confined to people who are in hospital or imprisoned or to persons with reduced mobility or to electors residing abroad; fraud and intimidation must not be possible.
- iv. Electronic voting should be used only if it is safe and reliable; in particular, voters should be able to obtain a confirmation of their votes and to correct them, if necessary, respecting secret suffrage; the system must be transparent.
- v. Very strict rules must apply to voting by proxy; the number of proxies a single voter may hold must be limited.
- vi. Mobile ballot boxes should only be allowed under strict conditions, avoiding all risks of fraud.
- vii. Two criteria should be at least used to assess the accuracy of the outcome of the ballot: the number of votes cast and the number of voting slips placed in the ballot box.
- viii. Voting slips must not be tampered with or marked in any way by polling station officials.
- ix. Unused voting slips must never leave the polling station.
- x. Polling stations must include representatives of a number of parties, and the presence of observers appointed by the candidates must be permitted during voting and counting.
- xi. Military personnel should vote at their place of residence whenever possible. Otherwise, it is advisable that they be registered to vote at the polling station nearest to their duty station.
- xii. Counting should preferably take place in polling stations.
- xiii. Counting must be transparent. Observers, candidates' representatives and the media must be allowed to be present. These persons must also have access to the records.
- xiv. Results must be transmitted to the higher level in an open manner.
- xv. The state must punish any kind of electoral fraud.

4. Secret suffrage

- a. For the voter, secrecy of voting is not only a right but also a duty, non-compliance with which must be punishable by disqualification of any ballot paper whose content is disclosed.
- b. Voting must be individual. Family voting and any other form of control by one voter over the vote of another must be prohibited.
- c. The list of persons actually voting should not be published.
- d. The violation of secret suffrage should be sanctioned.

5. Direct suffrage

- The following must be elected by direct suffrage:
- i. at least one chamber of the national parliament;
 - ii. sub-national legislative bodies;
 - iii. local councils.

6. Frequency of elections

– Elections must be held at regular intervals; a legislative assembly’s term of office must not exceed five years.

7. Electoral system

Within the respect of the above-mentioned principles, any electoral system may be chosen.

II. Conditions for implementing these principles

1. Respect for fundamental rights

– a. Democratic elections are not possible without respect for human rights, in particular freedom of expression and of the press, freedom of circulation inside the country, freedom of assembly and freedom of association for political purposes, including the creation of political parties.

b. Restrictions of these freedoms must have a basis in law, be in the public interest and comply with the principle of proportionality.

2. Regulatory levels and stability of electoral law

– a. Apart from technical and detail rules – which may be included in regulations of the executive – , rules of electoral law must have at least the rank of a statute.

b. The fundamental elements of electoral law, in particular the electoral system proper, membership of electoral commissions and the drawing of constituency boundaries, should not be open to amendment less than one year before an election, or should be written in the constitution or at a level higher than ordinary law.

3. Procedural guarantees

– a. Electoral commissions

aa. An impartial body must be in charge of applying electoral law.

bb. Where there is no longstanding tradition of administrative authorities' independence from those holding political power, independent, impartial electoral commissions must be set up at all levels, from the national level to polling station level.

cc. The central electoral commission must be permanent in nature.

dd. It should include:

i. at least one member of the judiciary;

ii. representatives of parties already in parliament or having scored at least a given percentage of the vote; these persons must be qualified in electoral matters.

It may include:

iii. a representative of the Ministry of the Interior;

iv. representatives of national minorities.

ee. Political parties must be equally represented on electoral commissions or must be able to observe the work of the impartial body. Equality may be construed strictly or on a proportional basis (see point I.2.c.bb).

ff. The bodies appointing members of electoral commissions must not be free to dismiss them at will.

gg. Members of electoral commissions must receive standard training.

hh. It is desirable that electoral commissions take decisions by a qualified majority or by consensus.

b. Observation of elections

aa. Both national and international observers should be given the widest possible opportunity to participate in an election observation exercise.

bb. Observation must not be confined to election day itself, but must include the registration period of candidates and, if necessary, of electors, as well as the electoral campaign. It must make it possible to determine whether irregularities occurred before, during or after the elections. It must always be possible during vote counting.

cc. The places where observers are not entitled to be present should be clearly specified by law.

dd. Observation should cover the respect by the authorities of their duty of neutrality.

c. An effective system of appeal

aa. The appeal body in electoral matters should be either an electoral commission or a court. For elections to Parliament, an appeal to Parliament may be provided for in first instance. In any case, final appeal to a court must be possible.

bb. The procedure must be simple and devoid of formalism, in particular concerning the admissibility of appeals.

cc. The appeal procedure and, in particular, the powers and responsibilities of the various bodies should be clearly regulated by law, so as to avoid conflicts of jurisdiction (whether positive or negative). Neither the appellants nor the authorities should be able to choose the appeal body.

dd. The appeal body must have authority in particular over such matters as the right to vote – including electoral registers – and eligibility, the validity of candidatures, proper observance of election campaign rules and the outcome of the elections.

ee. The appeal body must have authority to annul elections where irregularities may have affected the outcome. It must be possible to annul the entire election or merely the results for one constituency or one polling station. In the event of annulment, a new election must be called in the area concerned.

ff. All candidates and all voters registered in the constituency concerned must be entitled to appeal. A reasonable quorum may be imposed for appeals by voters on the results of elections.

gg. Time-limits for lodging and deciding appeals must be short (three to five days for each at first instance).

hh. The applicant's right to a hearing involving both parties must be protected.

ii. Where the appeal body is a higher electoral commission, it must be able *ex officio* to rectify or set aside decisions taken by lower electoral commissions.

DRAFT EXPLANATORY REPORT

General remarks

Alongside human rights and the rule of law, democracy is one of the three pillars of the European constitutional heritage, as well as of the Council of Europe. Democracy is inconceivable without elections held in accordance with certain principles that lend them their democratic status.

These principles represent a specific aspect of the European constitutional heritage that can legitimately be termed the "European electoral heritage". This heritage comprises two aspects, the first, the hard core, being the constitutional principles of electoral law such as universal, equal, free, secret and direct suffrage, and the second the principle that truly democratic elections can only be held if certain basic conditions of a democratic state based on the rule of law, such as fundamental rights, stability of electoral law and effective procedural guarantees, are met. The text which follows – like the foregoing guidelines – is therefore in two parts, the first covering the definition and practical implications of the principles of the European electoral heritage and the second the conditions necessary for their application.

I. The underlying principles of Europe's electoral heritage

Introduction: the principles and their legal basis

If elections are to comply with the common principles of the European constitutional heritage, which form the basis of any genuinely democratic society, they must observe five fundamental rules: *suffrage must be universal, equal, free, secret and direct*. Furthermore, elections must be held *periodically*. All these principles together constitute the European electoral heritage.

Although all these principles are conventional in nature, their implementation raises a number of questions that call for close scrutiny. We would do well to identify the "hard core" of these principles, which must be scrupulously respected by all European states.

The hard core of the European electoral heritage consists mainly of international rules. The relevant universal rule is Article 25 (b) of the International Covenant on Civil and Political Rights, which expressly provides for all of these principles except direct suffrage, although the latter is implied. The common European rule is Article 3 of the Additional Protocol to the European Convention on Human Rights, which explicitly provides for the right to periodical elections by free and secret suffrage; the other principles have also been recognised in human rights case law. The right to direct elections has also been admitted by the Strasbourg Court, at least implicitly. However, the constitutional principles common to the whole continent do not figure only in the international texts: on the contrary, they are often mentioned in more detail in

the national constitutions. Where the legislation and practice of different countries converge, the content of the principles can be more accurately pinpointed.

1. Universal suffrage

Universal suffrage covers both active (the right to vote) and passive electoral rights (the right to stand for election). The right to vote and stand for election may be subject to a number of conditions, usually concerning *age* and *nationality*.

There must be a minimum age for the right to vote and the right to stand for election; however, attainment of the age of majority, entailing not only rights but also obligations of a civil nature, must at least confer the right to vote. A higher age may be laid down for the right to stand for election but, save where there are specific qualifying ages for certain offices (senator, head of state), this should not be more than 25.

Most countries' legislations lay down a *nationality* requirement. However, a tendency is emerging to grant local political rights to long-standing foreign residents, in accordance with the Council of Europe Convention on the Participation of Foreigners in Public Life at Local Level. It is accordingly recommended that the right to vote in local elections be granted after a certain period of residence. Furthermore, under the European integration process European citizens have been granted the right to vote and stand for election in municipal and European Parliament elections in their EU member state of residence. The nationality criterion can, moreover, sometimes cause problems if a state withholds citizenship from persons who have been settled in its territory for several generations, for instance on linguistic grounds. Furthermore, under the European Convention on Nationality^{2[10]} persons holding dual nationality must have the same electoral rights as other nationals.

Thirdly, the right to vote and/or the right to stand for election may be subject to *residence* requirements, residence in this case meaning habitual residence. Where local and regional elections are concerned, the residence requirement is not incompatible *a priori* with the principle of universal suffrage, if the residence period specified does not exceed a few months; any longer period is acceptable only to protect national minorities. Conversely, quite a few states grant their nationals living abroad the right to vote, and even to be elected. This practice can lead to abuse in some special cases, e.g. where nationality is granted on an ethnic basis. For example, Croatia's conferral of political rights on Croats living in Bosnia-Herzegovina has been held to be unreasonable, particularly where local elections are concerned. Registration could take place where a voter has his or her secondary residence, if he or she resides there regularly and it appears, for example, on local tax payments; the voter must not then of course be registered where he or she has his or her principal residence.

The free movement of citizens within the country is one of the fundamental rights necessary for truly democratic elections. However, if persons have been displaced against their will, they should, for a certain time, have the possibility of being considered as resident at their former place of residence. This possibility ought to be open for a minimum of five years but for no more than fifteen years to persons displaced within the national territory.

Lastly, provision may be made for *clauses suspending political rights*. Such clauses must, however, comply with the usual conditions under which fundamental rights may be restricted; in other words, they must:

- be provided for by law;
- observe the principle of proportionality;
- be based on mental incapacity or a criminal conviction for a serious offence.

Furthermore, the withdrawal of political rights may only be imposed by express decision of a court of law. However, in the event of withdrawal on grounds of mental incapacity, such express decision may concern the incapacity and entail *ipso jure* deprivation of civic rights.

The conditions for depriving individuals of the right to stand for election may be less strict than for disenfranchising them, as the holding of a public office is in issue and it may be legitimate to debar persons whose activities in such an office violate a greater public interest.

The proper maintenance of *electoral registers* is vital in guaranteeing universal suffrage. However, it is acceptable for voters not to be included automatically on the registers, but only at their request. In practice, electoral registers are often discovered to be inaccurate, which leads to disputes. Lack of experience on the part of the authorities, population shifts and the fact that few citizens bother to check the electoral registers when they are presented for inspection make it difficult to compile these registers. A number of conditions must be met if the registers are to be reliable:

- i. There must be permanent electoral registers.
- ii. There must be regular updates, at least once a year, so that municipal (local) authorities get into the habit of performing the various tasks involved in updating at the same time every year. Where registration of voters is not automatic, a fairly long time-period must be allowed for such registration.
- iii. The electoral registers must be published.
- iv. The final update should be sent to a higher authority under the supervision of the impartial body responsible for the application of the electoral law.
- v. A supplementary register can enable persons who have changed address or reached the statutory voting age since the final register was published, to vote.
- vi. There should be an administrative procedure – subject to judicial control – or a judicial procedure enabling electors not on the register to have their names included. In some countries, the closing date for entry in the supplementary register may be, for example, 15 days before the election or election day itself. The latter case, whilst admirably broad-minded, relies on decisions made by a court obliged to sit on polling day, and is thus ill-suited to the organisational needs on which democracies are based. In any event polling stations should not be permitted to register voters on election day itself.
- vii. Furthermore, inaccuracies in electoral registers stem both from unjustified entries and from the failure to enter certain electors. A procedure of the kind mentioned in the previous paragraph should make it possible for electors to have erroneous entries corrected. The capacity for requesting such corrections may be restricted to electors registered in the same constituency or at the same polling station.

The obligation to collect a specific number of *signatures* in order to be able to stand is theoretically compatible with the principle of universal suffrage. In practice, only the most

marginal parties seem to have any difficulty gathering the requisite number of signatures, provided that the rules on signatures are not used to bar candidates from standing for office. In order to prevent such manipulation, it is preferable for the law to set a maximum 1% signature requirement. The signature verification procedure must follow clear rules, particularly with regard to deadlines, and be applied to all the signatures rather than just a sample;^{3[19]} however, once the verification shows beyond doubt that the requisite number of signatures has been obtained, the remaining signatures need not be checked. In all cases candidatures must be validated by the start of the election campaign, because late validation places some parties and candidates at a disadvantage in the campaign.

There is another procedure where candidates or parties must pay a deposit, which is only refunded if the candidate or party concerned goes on to win more than a certain percentage of the vote. Such practices appear to be more effective than collecting signatures. However, the amount of the deposit and the number of votes needed for it to be reimbursed should not be excessive.

2. Equal suffrage

Equality in electoral matters comprises a variety of aspects. Some concern equality of suffrage, a value shared by the whole continent, while others go beyond this concept and cannot be deemed to reflect any common standard. The principles to be respected in all cases are numerical vote equality, equality in terms of electoral strength and equality of chances. On the other hand, equality of outcome achieved, for instance, by means of proportional representation of the parties or the sexes, cannot be imposed.

2.1 Equal voting rights

Equality in voting rights requires each voter to be normally entitled to one vote, and to one vote only. Multiple voting, which is still a common irregularity in the new democracies, is obviously prohibited – both if it means a voter votes more than once in the same place and if it enables a voter to vote simultaneously in several different places, such as his or her place of current residence and place of former residence.

In some electoral systems, the elector nonetheless has more than one vote. In, for example, a system that allows split voting (voting for candidates chosen from more than one list), the elector may have one vote per seat to be filled; another possibility is when one vote is cast in a small constituency and another in a larger constituency, as is often the case in systems combining single-member constituencies and proportional representation at the national or regional level.^{4[20]} In this case, equal voting rights mean that all electors should have the same number of votes.

2.2 Equal voting power

Equality in voting power, where the elections are not being held in one single constituency, requires constituency boundaries to be drawn in such a way that seats in the *lower chambers* representing the people are distributed equally among the constituencies, in accordance with a specific apportionment criterion, e.g. the number of residents in the constituency, the number of resident nationals (including minors), the number of registered electors, or possibly the

number of people actually voting. An appropriate combination of these criteria is conceivable. When this principle is not complied with, we are confronted with what is known as *electoral geometry*, in the form either of “active electoral geometry”, namely a distribution of seats causing inequalities in representation as soon as it is applied, or of “passive electoral geometry”, arising from protracted retention of an unaltered territorial distribution of seats and constituencies. Furthermore, under systems tending towards a non-proportional result, particularly majority (or plurality) vote systems, gerrymandering may occur, which consists in favouring one party by means of an artificial delimitation of constituencies.

Constituency boundaries may also be determined on the basis of geographical criteria and the administrative or indeed historic boundary lines, which often depend on geography.

The maximum admissible departure from the distribution criterion adopted depends on the individual situation, although it should seldom exceed 10% and never 15%, except in really exceptional circumstances (a demographically weak administrative unit of the same importance as others with at least one lower-chamber representative, or concentration of a specific national minority).

In order to avoid passive electoral geometry, seats should be redistributed at least every ten years, preferably outside election periods, as this will limit the risks of political manipulation.

In multi-member constituencies electoral geometry can easily be avoided by regularly allocating seats to the constituencies in accordance with the distribution criterion adopted. Constituencies ought then to correspond to administrative units, and redistribution is undesirable. Where a uninominal method of voting is used, constituency boundaries need to be redrawn at each redistribution of seats. The political ramifications of (re)drawing electoral boundaries are very considerable, and it is therefore essential that the process should be non-partisan and should not disadvantage national minorities. The long-standing democracies have widely differing approaches to this problem, and operate along very different lines. The new democracies should adopt simple criteria and easy-to-implement procedures. The best solution would be to submit the problem in the first instance to a commission comprising a majority of independent members and, preferably, a geographer, a sociologist, a balanced representation of the parties and, where appropriate, representatives of national minorities. The parliament would then make a decision on the basis of the commission’s proposals, with the *possibility of a single appeal*.

2.3 Equality of opportunity

The concern to ensure *equality of opportunity* should prompt the state to show impartiality towards all the parties and candidates and to apply the same law uniformly to all. In particular, the *neutrality* requirement applies to the *electoral campaign* and *coverage by the media*, especially the publicly owned media, as well as to *public funding* of parties and campaigns. This means that there are two possible interpretations of equality: either “strict” equality or “proportional” equality. “Strict” equality means that the political parties are treated without regard to their present strength in parliament or among the electorate. It must apply to the use of public facilities for electioneering purposes. “Proportional” equality implies that the treatment of political parties is in proportion to the results achieved in the elections. Equality of opportunity applies in particular to radio and television airtime, public funds and other forms of support.

The basic idea is that the main political forces should be able to voice their opinions in the main organs of the country’s media and that all the political forces should be allowed to hold

meetings, including on public thoroughfares, distribute literature and exercise their right to post bills. All of these rights must be clearly regulated, with due respect for freedom of expression, and any failure to observe them, either by the authorities or by the campaign participants, should be subject to appropriate sanctions. Quick rights of appeal must be available in order to remedy the situation before the elections. But the fact is that media failure to provide impartial information about the election campaign and candidates is one of the most frequent shortcomings arising during elections. The most important thing is to draw up a list of the media organisations in each country and to make sure that the candidates or parties are accorded sufficiently balanced amounts of airtime or advertising space, including on state radio and television stations. The authorities and parties participating in the campaign must be interviewed by the observers before the election, although it may be advisable in some cases to use organisations that specialise in media studies. Such matters can be covered by agreements between election monitoring organisations.

As regards privately owned media, an impartiality requirement would be contrary to freedom of expression. However, privately owned media may be required to allow the various participants in elections a minimum level of access for the purposes of the election campaign and of advertising.

The question of funding, and in particular of the need for it to be transparent, will be considered later. Spending by political parties, particularly on advertising, may likewise be limited in order to guarantee equality of opportunity.

2.4 Equality and national minorities

In accordance with the principles of international law, the electoral law must guarantee equality for persons belonging to national minorities, which includes prohibiting any discrimination against them. In particular, the national minorities must be allowed to set up political parties. Constituency delimitations and quorum regulations must not be such as to form an obstacle to the presence of persons belonging to minorities in the elected body.

Certain measures taken to ensure minimum representation for minorities either by reserving seats for them or by providing for exceptions to the normal rules on seat distribution, eg by waiving the quorum for the national minorities' parties do not infringe the principle of equality. However, neither candidates nor electors must be required to indicate their affiliation with any national minority.

2.5 Equality and parity of the sexes

If there is a specific constitutional basis, rules could be adopted guaranteeing some degree of balance between the two sexes in elected bodies, or even parity. In the absence of such a constitutional basis, such provisions could be considered contrary to the principle of equality and freedom of association.

Moreover, the scope of these rules depends on the electoral system. In a fixed party list system, parity is imposed if the number of men and women who are eligible is the same. However, if preferential voting or cross-voting is possible, voters will not necessarily choose candidates from both sexes, and this may result in an unbalanced composition of the elected body, chosen by voters.

3. Free suffrage

Free suffrage comprises two different aspects: free formation of the elector's opinion, and free expression of this opinion, i.e. freedom of voting procedure and accurate assessment of the result.

3.1 Freedom of voters to form an opinion

Freedom of voters to form an opinion partly overlaps with equality of opportunity. It requires the *state* – and public authorities generally – to honour their duty of even-handedness, particularly where the use of the mass media, billposting, the right to demonstrate on public thoroughfares and the funding of parties and candidates are concerned.

Public authorities also have certain positive obligations. They must submit lawfully presented candidatures to the citizens' votes. The presentation of specific candidatures may be prohibited only in exceptional circumstances, where necessitated by a greater public interest. Public authorities must also give the electorate access to lists and candidates standing for election by means, for instance, of appropriate billposting. The information in question must also be available in the languages of national minorities, at least where they make up a certain percentage of the population.

Voters' freedom to form an opinion may also be infringed by *individuals*, for example when they attempt to buy votes, a practice which the state is obliged to prevent or punish effectively.

In order to ensure that the rules relating to voters' freedom to form an opinion are effective, any violation of the foregoing rules must be punished.

3.2 Freedom of voters to express their wishes and combating electoral fraud

Freedom of voters to express their wishes primarily requires strict observance of the *voting procedure*. In practice, electors should be able to cast their votes for registered lists or candidates, which means that they must be supplied with ballot papers bearing their names and that they must be able to deposit the ballot papers in a ballot box. The state must make available the necessary premises for electoral operations. Electors must be protected from threats or constraints liable to prevent them from casting their votes or from casting them as they wish, whether such threats come from the authorities or from individuals; the state is obliged to prevent and penalise such practices.

Furthermore, the elector has the right to an accurate assessment of the result of the ballot, which implies, in particular, that the state should punish any election fraud.

3.2.1 Voting procedures

Voting procedures play a vital role in the overall electoral process because it is during voting that election fraud is most likely to occur.

In some countries the implementation of democratic practices requires a radical change of attitudes, which must be actively promoted by the authorities. In this respect some measures have to be taken to control the habits and reflexes dating back to the totalitarian period. These "habits" and "reflexes" have a negative impact on the elections. Most of these irregularities, such as "family voting" occur during the voting procedure.

All these observations lead us to the following conclusion: *the voting procedure must be kept simple. Compliance is therefore recommended with the criteria set out in the ensuing paragraphs.*

If the polling station officials represent a proper balance of political opinion, fraud will be difficult, and the fairness of the ballot should be judged by two main criteria alone: the number of electors who have cast votes compared with the number of ballot papers in the ballot box. The first measure can be determined by the number of signatures in the electoral register. Human nature being what it is (and quite apart from any intention to defraud), it is difficult to achieve total congruity between the two measures, and any further controls such as numbering the stubs of ballot papers or comparing the total number of ballot papers found in the ballot box plus those cancelled and unused with the number of ballot papers issued to the polling station may give some indication, but one should be under no illusion that the results of these various measures will coincide perfectly. The risk in multiplying the measures used is rather that the differences in the totals, and in the end the real irregularities, will not be taken seriously. It is better to have strict control over two measures than slack – and hence ineffective – control over a larger number of variables.

Any unused ballot papers should remain at the polling station and should not be deposited or stored in different premises. As soon as the station opens, the ballot papers awaiting use must be in full view on the table of the senior station official. There should be no others stored in cupboards or other places.

The signing and stamping of ballot papers should not take place at the point when the paper is presented to the voter, because the signatory or the person affixing the stamp might mark the paper so that the voter could be identified when it came to counting the votes, which would violate the secrecy of the ballot.

The voter should collect his or her ballot paper and no one else should touch it from that point on.

It is important that the polling station officials include multi-party representatives and that observers assigned by the candidates be present.

Voters should always have the possibility of voting in a polling station; other means of voting are, however, acceptable on certain conditions, as indicated below.

3.2.1.1 Postal voting or proxy voting in certain circumstances

Postal voting and proxy voting are permitted in countries throughout the western world, but the pattern varies considerably. Postal voting, for instance, may be widespread in one country and prohibited in another owing to the danger of fraud. It should be allowed only if the postal service is secure – in other words, safe from intentional interference – and reliable, in the sense that it functions properly. Proxy voting is permissible only if subject to very strict rules, again in order to prevent fraud; the number of proxies held by any one elector must be limited.

Neither of these practices should be widely encouraged in the new democracies given the problems with their postal service, on top of all the other difficulties inherent in this kind of voting, including the heightened risk of “family voting”. Subject to certain precautions, however, postal voting can be used to enable hospital patients, persons in custody, persons with

restricted mobility and electors resident abroad to vote, in so far as there is no risk of fraud or intimidation. This would dispense with the need for a mobile ballot box, which often causes problems and risks of fraud. Postal voting would take place under a special procedure a few days before the election.

The use of *mobile ballot boxes* is undesirable because of the attendant serious risk of fraud. Should they nonetheless be used, strict conditions should be imposed to prevent fraud, including the attendance of several members of the polling station election commission representing different political groupings.

3.2.1.2 Military voting

Where servicemen cannot return home on polling day, they should preferably be registered at polling stations near their barracks. Details of the servicemen concerned are sent by the local command to the municipal authorities who then enter the names in the electoral list. The one exception to this rule is when the barracks are too far from the nearest polling station. Within the military units, special commissions should be set up to supervise the pre-election period, in order to prevent the risk of superior officers' imposing or ordering certain political choices.

Where servicemen are responsible for the security of a polling station, they may be allowed to cast their vote there, but for their constituency of residence.

3.2.1.3 Mechanical and electronic voting methods

Several countries are already using, or are preparing to introduce mechanical and electronic voting methods. The advantage of these methods becomes apparent when a number of elections are taking place at the same time, even though certain precautions are needed to minimise the risk of fraud, for example by enabling the voter to check his or her vote immediately after casting it. Clearly, with this kind of voting, it is important to ensure that ballot papers are designed in such a way as to avoid confusion. In order to facilitate verification and a recount of votes in the event of an appeal, it may also be provided that a machine could print votes onto ballot papers; these would be placed in a sealed container where they cannot be viewed. There should also be some kind of device for mixing the ballot papers so that if it proves necessary to open the container for checking, papers cannot be linked to particular voters – for example, those turning out early or late in the day.

Electronic voting methods must be secure and reliable. They are secure if the system can withstand deliberate attack; they are reliable if they can function on their own, irrespective of any shortcomings in the hardware or software. Furthermore, the elector must be able to obtain confirmation of his or her vote and, if necessary, correct it without the secrecy of the ballot being in any way violated.

Furthermore, the system's transparency must be guaranteed in the sense that it must be possible to check that it is functioning properly.

3.2.1.4 Counting

The votes should preferably be counted at the polling stations themselves, rather than in special centres. The polling station staff are perfectly capable of performing this task, and this

arrangement obviates the need to transport the ballot boxes and accompanying documents, thus reducing the risk of substitution.

The vote counting should be conducted in a transparent manner. Ideally, it should be open to the public, as is the case in some western countries, but most legislators in Eastern Europe and the CIS only admit observers, representatives of the candidates and the media, and grants the first two categories the option of entering comments in the minutes. These persons must be allowed to be present in all circumstances. There must be enough copies of the record of the proceedings to distribute to ensure that all the aforementioned persons receive one; one copy must be immediately posted on the notice-board, another kept at the polling station and a third sent to the commission or competent higher authority.

The relevant regulations should stipulate certain practical precautions as regards equipment. For example, the record of the proceedings should be completed in ballpoint pen rather than pencil, as text written in pencil can be erased.

In practice, it appears that the time needed to count the votes depends on the efficiency of the presiding officer of the polling station. These times can vary markedly, which is why a simple tried and tested procedure should be set out in the legislation or permanent regulations which appear in the training manual for polling station officials.

It is best to avoid treating too many ballot papers as invalid or spoiled. In case of doubt, an attempt should be made to ascertain the voter's intention.

3.2.1.5 Transferring the results

There are two kinds of results: provisional results and final results (before all opportunities for appeal have been exhausted). The media, and indeed the entire nation, are always impatient to hear the initial provisional results. The speed with which these results are relayed will depend on the country's communications system. The polling station's results can be conveyed to the electoral district (for instance) by the presiding officer of the polling station, accompanied by two other members of the polling station staff representing opposing parties, in some cases under the supervision of the security forces, who will carry the records of the proceedings, the ballot box, etc.

However much care has been taken at the voting and vote-counting stages, transmitting the results is a vital operation whose importance is often overlooked; it must therefore be effected in an open manner. Transmission from the electoral district to the regional authorities and the Central Electoral Commission – or other competent higher authorities – can be done by fax. In that case, the records will be scanned and the results can be displayed as and when they come in. Television can be used to broadcast these results but once again, too much transparency can be a dangerous thing if the public is not ready for this kind of piecemeal reporting. The fact is that the initial results usually come in from the towns and cities, which do not normally or necessarily vote in the same way as rural areas. It is important therefore to make it clear to the public that the final result may be quite different from, or even completely opposite to, the provisional one, without there having been any question of foul play.

4. Secret suffrage

Secrecy of the ballot is one aspect of voter freedom, its purpose being to shield voters from pressures they might face if others learned how they had voted. Secrecy must apply to the

entire procedure – and particularly the casting and counting of votes. Voters are entitled to it, but must also respect it themselves, and non-compliance must be punished by disqualifying any ballot paper whose content has been disclosed.

Voting must be individual. Family voting, whereby one member of a given family can supervise the votes cast by the other members, infringes the secrecy of the ballot; it is one of the commonest violations of the electoral law in some former USSR states. It can be explained by the fact that the USSR used to allow electors to vote for members of their family who were ill or absent at the time of the elections. All other forms of control by one elector over the vote of another must also be prohibited. Proxy voting, which is subject to strict conditions, is a separate issue.^{5[34]}

Moreover, since abstention may indicate a political choice, lists of persons voting should not be published.

Violation of the secrecy of the ballot must be punished, just like violations of other aspects of voter freedom.

5. Direct suffrage

Direct election of one of the chambers of the national parliament by the people is one aspect of Europe's shared constitutional heritage. Subject to such special rules as are applicable to the second chamber, where there is one, other legislative bodies, like the Parliaments of Federate States, should be directly elected, in accordance with Article 3 of the Additional Protocol to the European Convention on Human Rights. Nor can local self-government, which is a vital component of democracy, be conceived of without local elected bodies. Here, local assemblies include all infra-national deliberative bodies. On the other hand, even though the President of the Republic is often directly elected, this is a matter for the Constitution of the individual state.

6. Frequency of elections

Both the International Covenant on Civil and Political Rights and the Additional Protocol to the European Convention on Human Rights provide that elections must be held periodically. General elections are usually held at four- or five-yearly intervals, while longer periods are possible for presidential elections, although the maximum should be seven years.

II. Conditions for implementing the principles

The underlying principles of European electoral systems can only be guaranteed if certain *general conditions* are fulfilled.

- The first, general, condition is *respect for fundamental human rights*, and particularly freedom of expression, assembly and association, without which there can be no true democracy;
- Second, electoral law must enjoy a certain stability, protecting it against party political manipulation;

· Last and above all, a number of procedural guarantees must be provided, especially as regards the organisation of polling.

Furthermore, elections are held not in a vacuum but within the context of a specific electoral system and a given party system. This second section will conclude with a number of comments on this aspect, particularly on the relationship between electoral and party systems.

1. Respect for fundamental rights

The holding of democratic elections and hence the very existence of democracy are impossible without respect for *human rights*, particularly the freedom of expression and of the press and the freedom of assembly and association for political purposes, including the creation of political parties. Respect for these freedoms is vital particularly during election campaigns. *Restrictions* on these fundamental rights must comply with the European Convention on Human Rights and, more generally, with the requirement that they have a basis in law, are in the general interest and respect the principle of proportionality.

The fact is that many countries have legal limitations on *free speech*, which, if restrictively interpreted, may just be acceptable – but may generate abuses in countries with no liberal, democratic tradition. In theory, they are intended to prevent “abuses” of free speech by ensuring, for example, that candidates and public authorities are not vilified, and even protecting the constitutional system. In practice, however, they may lead to the censoring of any statements which are critical of government or call for constitutional change, although this is the very essence of democratic debate. For example, several international organisations agree that European standards are violated by the electoral law of Belarus, which prohibits “insulting or defamatory references to officials of the Republic of Belarus or other candidates” in campaign documents, makes it an offence to circulate libellous information on candidates, and makes candidates themselves liable for certain offences committed by their supporters. Similarly, in Azerbaijan, the insistence in the law applicable in 2000 that materials intended for use in election campaigns must be submitted to electoral commissions, indicating the organisation which ordered and produced them, the number of copies and the date of publication, constituted an unacceptable form of censorship, particularly since electoral commissions were required to take action against illegal or inaccurate publications. Furthermore, the rules prohibiting improper use of the media during electoral campaigns were rather vague.

Another very important fundamental right in a democracy is freedom of movement within the country, together with the right for nationals to return to their country at any time.

2. Regulatory levels and stability of the electoral law

Stability of the law is crucial to credibility of the electoral process, which is itself vital to consolidating democracy. Rules which change frequently – and especially rules which are complicated – may confuse voters. Above all, voters may conclude, rightly or wrongly, that electoral law is simply a tool in the hands of the powerful, and that their own votes have little weight in deciding the results of elections.

In practice, however, it is not so much stability of the basic principles which needs protecting (they are not likely to be seriously challenged) as stability of some of the more specific rules of electoral law, especially those covering the electoral system *per se*, the composition of electoral commissions and the drawing of constituency boundaries. These three elements are often, rightly or wrongly, regarded as decisive factors in the election results, and care must be taken to

avoid not only manipulation to the advantage of the party in power, but even the mere semblance of manipulation.

It is not so much changing voting systems which is a bad thing – they can always be changed for the better – as changing them frequently or just before (within one year of) elections. Even when no manipulation is intended, changes will seem to be dictated by immediate party political interests.

One way of avoiding manipulation is to define in the Constitution or in a text higher in status than ordinary law the elements that are most exposed (the electoral system itself, the membership of electoral commissions, constituencies or rules on drawing constituency boundaries). Another, more flexible, solution would be to stipulate in the Constitution that, if the electoral law is amended, the old system will apply to the next election – at least if it takes place within the coming year – and the new one will take effect after that.

For the rest, the electoral law should normally have the rank of statute law. Rules on implementation, in particular those on technical questions and matters of detail, can nevertheless be in the form of regulations.

3. Procedural safeguards

3.1 Organisation of elections by an impartial body

Only transparency, impartiality and independence from politically motivated manipulation will ensure proper administration of the election process, from the pre-election period to the end of the processing of results.

In stable democracies, where the administrative authorities have a long-standing tradition of independence from the political authorities, the civil service applies electoral law without being subjected to political pressures. It is therefore both normal and acceptable for elections to be organised by administrative authorities, and supervised by the Ministry of the Interior.

However, in new democracies with little experience of organising pluralist elections, there is too great a risk of government's pushing the administrative authorities to do what it wants. This applies both to central and local government - even when the latter is controlled by the national opposition.

This is why *independent, impartial electoral commissions* must be set up from the national level to polling station level to ensure that elections are properly conducted, or at least remove serious suspicions of irregularity.

According to the reports of the Bureau of the Assembly on election observations, the following shortcomings concerning the electoral commissions have been noted in a number of member States: lack of transparency in the activity of the central electoral commission; variations in the interpretation of counting procedure; politically polarised election administration; controversies in appointing members of the Central Electoral Commission; commission members nominated by a state institution; the dominant position of the ruling party in the election administration.

Any central electoral commission must be permanent, as an administrative institution responsible for liaising with local authorities and the other lower-level commissions, e.g. as regards compiling and updating the electoral lists.

The composition of a central electoral commission can give rise to debate and become the key political issue in the drafting of an electoral law. Compliance with the following guidelines should facilitate maximum impartiality and competence on the part of the commission.

As a general rule, the commission should consist of:

- a judge or law officer: where a judicial body is responsible for administering the elections, its independence must be ensured through transparent proceedings. Judicial appointees should not come under the authority of those standing for office;
- representatives of parties already represented in parliament or which have won more than a certain percentage of the vote. Political parties should be represented equally in the central electoral commission; “equally” may be interpreted strictly or proportionally, that is to say, taking or not taking account of the parties’ relative electoral strengths. Moreover, party delegates should be qualified in electoral matters and should be prohibited from campaigning.

In addition, the electoral commission may include:

- representatives of national minorities; their presence is desirable if the national minority is of a certain importance in the territory concerned;
- a representative of the Ministry of the Interior. However, for reasons connected with the history of the country concerned, it may not always be appropriate to have a representative of the Ministry of the Interior in the commission. During its election observation missions the Assembly has expressed concern on several occasions about transfers of responsibilities from a fully-fledged multi-party electoral commission to an institution subordinate to the executive.^{6[45]} Nevertheless, co-operation between the central electoral commission and the Ministry of the Interior is possible if only for practical reasons, e.g. transporting and storing ballot papers and other equipment. For the rest, the executive power should not be able to influence the membership of the electoral commissions.

Broadly speaking, bodies that appoint members to electoral commissions should not be free to recall them, as it casts doubt on their independence. Discretionary recall is unacceptable, but recall for disciplinary reasons is permissible - provided that the grounds for this are clearly and restrictively specified in law (vague references to “acts discrediting the commission”, for example, are not sufficient).

In the long-standing democracies where there are no electoral commissions but where another impartial body is competent in electoral matters, political parties must be able to observe the work of that body.

The composition of the central electoral commission is certainly important, but no more so than its mode of *operation*. The commission’s rules of procedure must be clear, because commission chairpersons have a tendency to let members ramble on, which the latter are quick to exploit. The rules of procedure should provide for an agenda and a limited amount of speaking

time for each member – e.g. a quarter of an hour; otherwise endless discussions are liable to obscure the main business of the day.

There are many ways of making decisions. It would make sense for decisions to be taken by a qualified (e.g. 2/3) majority, so as to encourage debate between the majority and at least one minority party. Reaching decisions by consensus is preferable.

The meetings of the central electoral commission should be open to everyone, including the media (this is another reason why speaking time should be limited). Any computer rooms, telephone links, faxes, scanners, etc. should be open to inspection.

Other electoral commissions operating at regional or constituency level should have a similar composition to that of the central electoral commission. Constituency commissions play an important role in uninominal voting systems because they determine the winner in general elections. Regional commissions also play a major role in relaying the results to the central electoral commission.

Appropriate staff with specialised skills are required to organise elections. Members of central electoral commissions should be legal experts, political scientists, mathematicians or other people with a good understanding of electoral issues.

There have been several cases of commissions lacking qualified and trained election staff, e.g. in Azerbaijan, during the November 2000 parliamentary elections. The rapporteur noted that "... the staff in the polling stations were neither motivated nor trained to implement the election procedures properly. The stakes were such that, on the day, people forgot the rules in order to get the 'correct' results".

Members of electoral commissions have to receive standardised training at all levels of the election administration. Such training should also be made available to the members of commissions appointed by political parties.

The electoral law should contain an article requiring the authorities (at every level) to meet the demands and needs of the electoral commission. Various ministries and other public administrative bodies, mayors and town hall staff may be directed to support the election administration by carrying out the administrative and logistical operations of preparing for and conducting the elections. They may have responsibility for preparing and distributing the electoral registers, ballot papers, ballot boxes, official stamps and other required material, as well as determining the arrangements for storage, distribution and security.

3.2 Organisation and operation of polling stations

The quality of the voting and vote-counting systems and proper compliance with the electoral procedures depend on the mode of organisation and operation of the polling stations. The reports of the Bureau of the Assembly on the observation of elections in different countries have revealed a series of logistical irregularities. In October 1999, for example, they noted significant differences between polling stations across different regions of Georgia; according to the report on this country, "a great difference was observed between the polling stations in cities and in villages. Some out-of-city polling stations did not have heating or electricity and were situated in cramped premises unable to accommodate all local observers and voters at the same time."

Assembly observation missions have also noticed several cases of technical irregularities such as wrongly printed or stamped ballot boxes, overly complex ballot papers, unsealed ballot boxes, inadequate ballot papers or boxes, misuse of ballot boxes, insufficient means of identification of voters and absence of local observers.

All these irregularities and shortcomings, in addition to political party electioneering inside the polling station and police harassment, can seriously vitiate the voting process, or indeed undermine its integrity and validity.

3.3 Funding

Regulating the funding of political parties and electoral campaigns is a further important factor in the regularity of the electoral process.

First of all, funding must be *transparent*; such transparency is essential whatever the level of political and economic development of the country concerned.

Transparency operates at two levels. The first concerns campaign funds, the details of which must be set out in a special set of carefully maintained accounts. In the event of significant deviations from the norm or if the statutory expenditure ceilings are exceeded, the election must be annulled. The second level involves monitoring the financial status of elected representatives before and after their term in office. A commission in charge of financial transparency takes formal note of the elected representatives' statements as to their finances. The latter are confidential, but the records can, if necessary, be forwarded to the public prosecutor's office.

In unitary states, any expenses incurred by local authorities in connection with the running of a national election, the payment of election commission members, the printing of ballot papers, etc, should normally be borne by the state.

It should be remembered that in the field of *public funding* of parties or campaigns the principle of equality of opportunity applies ("strict" or "proportional" equality) All parties represented in parliament must in all cases qualify for public funding. However, in order to ensure equality of opportunity for all the different political forces, public funding might also be extended to political formations that represent a large section of the electorate and put up candidates for election. The funding of political parties from public funds must be accompanied by supervision of the parties' accounts by specific public bodies (e.g. the Auditor General's Department). The states should encourage a policy of financial openness on the part of political parties receiving public funding.

3.4 Security

Every electoral law must provide for intervention by the security forces in the event of trouble. In such an event, the presiding officer of the polling station (or his or her representative) must have sole authority to call in the police. It is important to avoid extending this right to all members of the polling station commission, as what is needed in such circumstances is an on-the-spot decision that is not open to discussion.

In some states, having a police presence at polling stations is a national tradition, which, according to observers, does not necessarily trigger unrest or have an intimidating effect on voters. One should note that a police presence at polling stations is still provided for in the electoral laws of certain western states, even though this practice has changed over time. The

presidential elections in Ukraine (31 October and 14 November 1999) provided an example of the possible impact of such “traditions” on the polling: “militia personnel were present inside most polling stations visited – a possible factor of intimidation, particularly when too close to the voting booths and ballot boxes”.

3.5 Observation of elections

Observation of elections plays an important role in the new democracies as it provides evidence of whether the electoral process has been regular or not.

There are three different types of observer: partisan national observers, non-partisan national observers and international (non-partisan) observers. In practice the distinction between the first two categories is not always obvious. This is why it is best to make the observation procedure as broad as possible at both the national and the international level.

Observation is not confined to the actual polling day but includes ascertaining whether any irregularities have occurred in advance of the elections (e.g. by improper maintenance of electoral lists, obstacles to the registration of candidates, restrictions on freedom of expression, and violations of rules on access to the media or on public funding of electoral campaigns), during the elections (e.g. through pressure exerted on electors, multiple voting, violation of voting secrecy etc.) or after polling (especially during the vote counting and announcement of the results). Observation should focus particularly on the authorities’ regard for their duty of neutrality.

International observers play a primordial role in the new democracies, which have no established tradition of impartial verification of the lawfulness of elections.

Generally, international as well as national observers must be in a position to interview anyone present, take notes and report to their organisation, but they should refrain from making comments.

The law must be very clear as to what sites observers are not entitled to visit, so that their activities are not excessively hampered. For example, an act authorising observers to visit only “sites where the election (or voting) takes place” could be construed by certain polling stations in an unduly narrow manner.

3.6 An effective system of appeal

If the electoral law provisions are to be more than just words on a page, failure to comply with the electoral law must be open to challenge before an appeal body. This applies in particular to the election results: individual citizens may challenge them on the grounds of irregularities in the voting procedures. It also applies to decisions taken before the elections, especially in connection with the right to vote, electoral registers and standing for election, the validity of candidatures, compliance with the rules governing the electoral campaign and access to the media or to party funding.

There are two possible solutions:

- appeals may be heard by the ordinary courts, a special court or the constitutional court;

- appeals may be heard by an electoral commission. There is much to be said for this latter system in that the commissions are highly specialised whereas the courts tend to be less *au fait* with electoral issues. As a precautionary measure, however, it is desirable that there should be some form of judicial supervision in place, making the higher commission the first appeal level and the competent court the second.

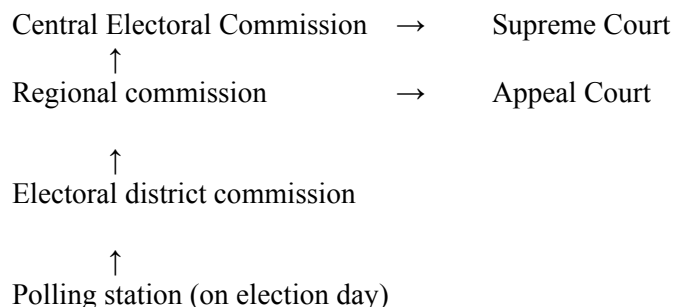
Appeal to parliament, as the judge of its own election, is sometimes provided for but could result in political decisions. It is acceptable as a first instance in places where it is long established, but a judicial appeal should then be possible.

It is imperative that appeal proceedings be as brief as possible. Two pitfalls must be avoided: first, that appeal proceedings retard the electoral process, and second, that, due to their lack of suspensive effect, decisions on appeals – other than those concerning the voting in the elections and the results – are taken after the elections have been held. Finally, decisions on the results of elections must also not take too long, especially where the political climate is tense. This means both that the time limits for appeals must be very short and that the appeal body must make its ruling as quickly as possible. Time limits must, however, be long enough to make an appeal possible and for the commission to give its ruling. A time limit of three to five days (both for lodging appeals and making rulings) seems reasonable. It is, however, permissible to grant a little more time to Supreme and Constitutional Courts for their rulings.

The procedure must also be simple, and providing voters with special appeal forms helps to make it so. The training sessions on application of Albania's electoral law by the courts (April 2001) stressed the need to eliminate formalism, and so avoid decisions of inadmissibility, especially in politically sensitive cases.

It is also vital that the appeal procedure, and especially the powers and responsibilities of the various bodies involved in it, should be clearly regulated by law, so as to avoid any positive or negative conflicts of jurisdiction. Neither the appellants nor the authorities should be able to choose the appeal body. The risk that successive bodies will refuse to give a decision is seriously increased where it is theoretically possible to appeal to either the courts or an electoral commission, or where the powers of different courts – e.g. the ordinary courts and the constitutional court – are not clearly differentiated. This problem has arisen in several CIS countries.

Example:



Disputes relating to the electoral registers, which are the responsibility, for example, of the local administration operating under the supervision of or in co-operation with the electoral commissions, can be dealt with by courts of first instance.

Standing in such appeals must be granted as widely as possible. It must be open to every elector in the constituency and to every candidate standing for election there to lodge an appeal. A reasonable quorum may, however, be imposed for appeals by voters on the results of elections.

The appeal procedure should be of a judicial nature, in the sense that the right of the appellants to proceedings in which both parties are heard should be safeguarded.

The *powers* of appeal bodies are important too. They should have authority to annul elections, if irregularities may have influenced the outcome, i.e. affected the distribution of seats. This is the general principle, but it should be open to adjustment, i.e. annulment should not necessarily affect the whole country or constituency – indeed, it should be possible to annul the results of just one polling station. This makes it possible to avoid the two extremes – annulling an entire election, although irregularities affect a small area only, and refusing to annul, because the area affected is too small. In zones where the results have been annulled, the elections must be repeated.^{7[57]}

Where higher-level commissions are appeal bodies, they should be able to rectify or annul *ex officio* the decisions of lower electoral commissions.

4. The electoral system

4.1 Electoral system and party system

Where the underlying principles of European electoral systems are respected there is an enormous choice of electoral system (in the narrow sense). Before coming down in favour of one particular system, however, a number of factors must be taken into account.

First, a system which has been working well, perhaps for decades, in one country is not necessarily exportable to another, and account must always be taken of local circumstances in choosing the electoral system (e.g. the need to ensure that national minorities or other groups are represented in the elected body). Obviously, the current interests of the ruling party must play no part in the choice, and priority must always be given to the stability of the electoral system, which should preferably be adopted with a view to its remaining in force for several decades to come.

Furthermore, careful thought should be given before introducing in a new democracy a system which has seen little use elsewhere, such as the alternative vote system proposed but finally rejected for the Presidency of Bosnia-Herzegovina.

The influence of the electoral system on the party system must be analysed in two stages: the influence of the electoral system on the results, and the influence of the results on the party system.

How does the electoral system influence the results? First of all it has a *direct influence on results* because of the method of converting votes into seats. Some systems reduce the fragmentation of the vote more radically than others, i.e. they allocate seats in a less proportional manner and favour the large parties to the detriment of the smaller ones. Although proportional systems clearly have less of a tendency to reduce fragmentation than majority systems, not all of them provide perfectly proportional results. Proportionality can be diminished in three different ways:

- by introducing a quorum, which eliminates the smaller parties: a threshold of 3 to 5% of the vote in order to win seats seems appropriate;
- by using a seat distribution method that tends to favour the large parties;
- by establishing a small number of seats for each constituency.

On the other hand, the majority election system eliminates the smaller parties, except in two fairly exceptional cases: where strong independent candidates emerge unlinked to any party, and where local (possibly regionalist and small) parties are very strong in a specific part of the country.

As shown by this last example, the effect of an electoral system also depends heavily on the spread of votes cast.

The electoral system also influences the results *indirectly* in that it has some effect on voters' attitudes. The general trend is that the more the system counteracts fragmentation, the more it prompts the voter to accentuate its effects through "tactical voting", shunning the parties with little chance of winning seats.

Broadly speaking, the more the system counteracts fragmentation, the more it tends to over-representation of the large parties and under-representation of the smaller parties, which enables one single party to win an absolute majority of seats.

The influence of the results (and therefore of the electoral system) on the party system is much more difficult to assess, and no general rules can be laid down in this field. However, what matters is not the number of parties registered but the number of parties capable of entering parliament. The number of parties in parliament should not be too great in order to minimise the risk of unstable government.

To achieve this, legislators can act at three different levels:

- Restricting the number of parties registered,
- Restricting the number of parties that are allowed to field candidates in elections,
- Restricting the number of parties that can win seats by introducing thresholds in proportional representation ballots or majority-voting ballots or in systems which rely on both.

Preventing an excessive number of parties through the electoral system would seem to be the most effective and least objectionable method as far as political rights are concerned. The general trend is to avoid restricting the number of parties by tinkering with the terms and conditions governing *registration*, because refusal to register a party is often a convenient way for the authorities to get rid of a competitor who is irksome rather than insignificant.

4.2 Voter's freedom of choice

There are no common European standards requiring the elector to be able, during multi-seat elections, to choose between several candidates, apart from his/her choice of different party lists.

However, in the case of plurinominal systems of majority voting (which are no longer used in Europe for electing lower chambers), voters should be able to engage in split voting (*“panachage”*) so as to enable several parties to be represented in a given constituency and thus prevent the majority from obtaining any “overwhelming” victory.

In proportional representation systems it should be remembered that party apparatuses have greater weight in fixed party-list systems than where voters can cast preferential votes, cross candidates off lists or use split voting. One of the reasons why the international community intervened to secure preferential voting in Bosnia-Herzegovina and Kosovo was to ensure that electors were not forced to follow the choices made by party leaders.

The right to cast preferential votes can, in particular, promote the representation of minorities where they are in the majority in a given constituency; otherwise, it is not a suitable means of ensuring representation of minorities, because where it is used the majority candidates on each list are likely to obtain most votes. Similarly, preferential or cross-voting can promote representation of women, but on condition that voters vote for women, otherwise the end result will be opposite to that intended, as it may lead to the exclusion of women.

Conclusion

Compliance with the five underlying principles of the European electoral heritage (universal, equal, free, secret and direct suffrage) is essential for democracy. It enables democracy to be expressed in different ways but within certain limits. These limits stem primarily from the interpretation of the said principles; the present text lays out the minimum rules to be followed in order to ensure compliance. Second, it is insufficient for the electoral law (in the narrow sense) to comprise rules that are in keeping with the European electoral principles: the latter must be placed in their context, and the credibility of the electoral process must be guaranteed. First, fundamental rights must be respected; and second, the stability of the rules must be such as to exclude any suspicion of manipulation. Lastly, the procedural framework must allow the rules laid down to be implemented effectively.

28. Guidelines for Constitutional Referendums at National Level

Adopted by the Venice Commission at its 47th Plenary Meeting

(Venice, 6-7 July 2001)

I. THE GENERAL CONTEXT

Recent experience of constitutional referendums in the new democracies has highlighted a number of issues which the present guidelines seek to address. These guidelines set out minimum rules for constitutional referendums and are designed to ensure that this instrument is used in all countries in accordance with the principles of democracy and the rule of law.

Constitutional referendums are taken as referring to popular votes in which the question of partially or totally revising a State's Constitution (and not of its federated entities) is asked, irrespective of whether this requires voters to give an opinion on a specific proposal for constitutional change or on a question of principle.

By definition a constitutional referendum is concerned with a partial or total revision of the Constitution.

A constitutional referendum may :

- be required by the text of the Constitution which provides that certain texts are automatically submitted to referendum after their adoption by Parliament (mandatory referendum);
- take place following a popular initiative :
 - either a section of the electorate puts forward a text which is then submitted to popular vote;
 - or a section of the electorate requests that a text adopted by Parliament be submitted to popular vote;
- be called by an authority such as :
 - Parliament itself or a specific number of members of Parliament;
 - the Head of State or the government;
 - one or several territorial Entities.

Constitutional referendums may be held both with respect to texts already approved or not yet approved by Parliament.

They may take the form of :

- a vote on specifically-worded draft amendments to the constitution or a specific proposal to abrogate existing provisions of the Constitution;
- a vote on a question of principle (for example: “are you in favour of amending the constitution to introduce a presidential system of government?”); or
- on a concrete proposal which does not have the form of specifically worded amendments, know as a “generally worded proposal” (for example: “are you in favour of amending the Constitution in order to reduce the number of seats in Parliament from 300 to 200?”).

It could be a question of :

- a legally binding referendum or
- a non-legally binding referendum

II. GUIDELINES

A. Legal basis

The following issues must be expressly regulated at constitutional level:

- types of referendum and the bodies competent to call a referendum;
- the subject-matter of referendums;
- the effects of referendums;
- general norms and principles (point II.B), including the franchise;
- the main rules governing procedural and substantive validity (points II.C and II.D);
- judicial review (point II.P).

All the guidelines outlined below should be covered by the Constitution or legislation.

B. General norms and principles

1. The constitutional principles of electoral law (universal, equal, free, direct and secret suffrage) apply to referendums.

2. Equally, fundamental rights, especially freedom of expression, freedom of assembly and freedom of association must be guaranteed and protected.

3. The use of referendums must comply with the legal system as a whole and especially the rules governing revision of the Constitution. In particular, referendums cannot be held if the Constitution does not provide for them, for example where constitutional reform is a matter for Parliament’s exclusive jurisdiction.

4. Judicial review should be available in the field covered by the present guidelines.

C. The procedural validity of texts submitted to a referendum

Questions submitted to a referendum must respect:

- unity of form: the same question must not combine a specifically-worded draft amendment with a generally-worded proposal or a question of principle;

- unity of content: except in the case of total revision of the Constitution, there must be an intrinsic connection between the various parts of the text, in order to guarantee the free suffrage of the voter, who must not be called to accept or refuse as a whole provisions without an intrinsic link ; the revision of several chapters of the Constitution at the same time is equivalent to a total revision;

- it is desirable that the same question does not simultaneously apply to the Constitution and subordinate legislation (unity of hierarchical level);

D. The substantive validity of texts submitted to a referendum

Texts submitted to a constitutional referendum must abide by the substantive limits (intrinsic and extrinsic) of constitutional reform.

They must not be contrary to international law or the Council of Europe's statutory principles (democracy, human rights and the rule of law).

Texts that contradict the requirements mentioned under II.C and II.D should not be put to the popular vote.

E. Other aspects of free suffrage

In addition to the principles set out under B, C and D, free suffrage – particularly free determination of the elector's will – implies:

1. The right to expect that referendums provided for by the legislative system will be organised, and in compliance with the procedural rules; in particular, referendums must be held within the time-limit prescribed by law;

2. Fairness of the vote

a. the question submitted to the electorate must be clear (not obscure or ambiguous); it must not be misleading; it must not suggest an answer; electors must be informed of the consequences of the referendum; voters must answer the questions asked by yes, no or a blank vote;

b. The authorities must provide objective information. This implies that the text submitted to referendum and an explanatory report should be made available to electors sufficiently in advance, as follows:

- they must be published in an official gazette at least one month before the vote;
- they must be sent directly to citizens and be received at least two weeks before the ballot;

- the explanatory report must give a balanced presentation not only of the executive and legislative authorities' viewpoint but also the opposing one.

c. Contrary to the case of elections, it is not necessary to completely prohibit the intervention of the authorities supporting or opposing a proposal submitted to referendum. However, the national, regional and local authorities must not influence the outcome of the vote by excessive, one-sided campaigning. The use of public funds by the authorities for campaigning purposes during the referendum campaign proper (ie in the month preceding the vote) must be prohibited. A strict upper limit must be set on the use of public funds for campaigning purposes in the preceding period.

3. The right to accurate establishment of the result by an independent body and formal publication in the official gazette.

The vote must be declared invalid where irregularities could have modified the (negative or positive) outcome of the vote. In addition, a partial cancellation of the vote is possible when irregularities only occurred in specific geographical areas (regions, districts, even polling stations).

F. Funding

- The general rules on the funding of political parties and electoral campaigns must be applied to both public and private funding.

- In contrast to elections, the use of public funds by the authorities for campaigning purposes need not be strictly prohibited in all cases; however, it must be restricted - see point II.E.2.c above.

- Payment from private sources for the collection of signatures for popular initiatives, if permitted, must be regulated, with regard to both the total amount allocated and the amount paid to each person.

G. Use of public places

a. Advertising

Supporters and opponents of the proposal submitted to a referendum must have equal access to election hoardings.

b. Collection of signatures

If authorisation is required in order to gather signatures for popular initiatives on public thoroughfares, such authorisation may be refused only in specific cases, on the basis of overriding public interest and in accordance with the principle of equality.

c. Right to demonstrate

Street demonstrations to support or oppose a text submitted to referendum may be subject to authorisation: such authorisation may be refused only on the basis of overriding public interest, in accordance with the general rules applicable to public demonstrations.

H. Media

Public radio and television broadcasts on the electoral campaign must allocate equal amounts of time to programmes which support or oppose the proposal being voted on.

Balanced coverage must be guaranteed to the proposal's supporters and opponents in other public mass media broadcasts, especially news broadcasts.

Financial or other conditions for radio and television advertising must be the same for the proposal's supporters and opponents.

The prohibition of the publication of opinion polls during the week before the election can be considered.

J. Specific rules for popular initiatives

- Everyone enjoying political rights is entitled to sign an initiative or referendum.
- The time-limit for collecting signatures (particularly the day in which the time-limit starts to run and the last day of the time-limit) must be clearly specified, as well as the number of signatures to be collected.
- Everyone (regardless of whether he or she enjoys political rights) must be entitled to collect signatures.
- All signatures must be checked. In order to facilitate checking, lists of signatures should preferably contain the names of electors registered in the same municipality.
- In order to avoid having to declare a vote totally invalid, an authority must have the power, prior to the vote, to correct faulty drafting, such as:
 - the question's obscure, misleading or suggestive nature;
 - violation of the rules on procedural or substantive validity; in this event, partial invalidity may be declared if the remaining text is coherent; sub-division may be envisaged to correct a lack of substantive unity.
- See also point II.F, third paragraph (remuneration for collecting signatures) and point II.G.b (use of public places for collecting signatures).

K. Referendums imposed by the Constitution (mandatory referendums)

The cases where referendums are imposed by the Constitution may be limited to total revision or revision of fundamental provisions. In the latter case, the Constitution will identify these particular provisions in an article the revision of which is subject to a mandatory referendum.

L. Parallelism in procedures

For a certain period of time, a text that has been rejected in a referendum may not be adopted by another procedure for constitutional revision;

During the same period of time, a constitutional provision that has been accepted in a referendum may not be revised by another method of constitutional revision.

The above does not apply:

- in the case of a consultative referendum (which does not bind the authorities);
- in the case of a referendum on partial revision of the Constitution, where the previous referendum concerned a total revision;
- in the event of rejection of a text adopted by Parliament and put to the popular vote at the request of a section of the electorate; a similar new text must not be submitted to vote unless a referendum is requested.

M. The role of Parliament

When a draft constitutional revision is proposed by a section of the electorate or an authority other than Parliament, Parliament must state its opinion on the text submitted to vote. It may be entitled to put forward a counter-proposal to the proposed text. A deadline must be set for Parliament to give its opinion: if this deadline is not met, the text will be put to the popular vote without Parliament's opinion.

N. Effects of referendum

Referendums on specifically worded draft amendments will usually have a binding character and their implementation will not present particular problems.

Referendums on questions of principle or other generally-worded proposals should be consultative only. While some countries recognise that such referendums may bind parliament in principle, this leads to difficulties of implementation and entails a high risk of political conflicts.

O. Quorum

It is admissible for acceptance by a minimum percentage of the electorate to be required in order for a referendum to be valid. This type of quorum is preferable to requiring a minimum turnout.

P. Judicial review

Observance of the above rules will be subject to judicial review. This is exercised, in the final instance, by the constitutional court - if it exists - or by the supreme court. In particular, judicial review will focus on:

- the franchise;
- the completion of popular initiatives;
- the procedural and substantive validity of the texts submitted to referendum, which should be subjected to preliminary review; domestic law determines whether this control is obligatory or optional;
- respect for free suffrage;
- the results of the ballot.

29. Guidelines on Prohibition and Dissolution of Political Parties and Analogous Measures

Adopted by the Venice Commission at its 41st plenary session
(Venice, 10 – 11 December, 1999)

I. Introduction

At the request of the Secretary General of the Council of Europe, the European Commission for Democracy through Law conducted a survey on the prohibition of political parties and analogous measures.

Countries which co-operate with the Venice Commission were invited to answer a questionnaire on the prohibition of political parties, covering the existence of rules prohibiting political parties or providing for similar measures in order to study the situation existing in different countries. 40 countries contributed to the study.

The conclusions of the study highlighted the following issues:

party activities everywhere are guaranteed by the principle of freedom of association;
there is a possibility to sanction political parties that do not respect a certain set of rules, through prohibition and dissolution of political parties, in a number of countries which answered the questionnaire;

the procedure regarding measures restricting the activities of the political parties show the authorities' concern to respect the principle of freedom of association.

The Commission adopted the report on prohibition of political parties and analogous measures (CDL-INF (98) 14) at its 35th plenary meeting in Venice, 12-13 June 1998. The study provided a good starting point for further analysis of the question. Considering the importance of the issue the Commission decided to continue its work with a view to drafting guidelines in this field.

The Sub-Commission on democratic institutions at its 6th meeting (Venice, 10 December 1998) appointed Rapporteurs to draw up preliminary draft guidelines on the prohibition of political parties and analogous measures for its first meeting in 1999.

The draft guidelines on the prohibition of political parties were discussed by the Sub-Commission on democratic institutions during its meeting on 17 June 1999. Members of the Sub-Commission introduced a number of changes in the text prepared by Mr Alexandru Farcas and revised by the Secretariat on the basis of comments by Messrs Kaarlo Tuori and Joseph Said Pullicino. In addition, the Secretariat was asked to prepare an explanatory memorandum to the guidelines.

The Sub-Commission on democratic institutions further discussed the draft guidelines on the prohibition of political parties and analogous measures and the explanatory report during its meeting in Venice on 9 December 1999 and decided to submit them to the plenary session. The Venice Commission adopted both documents and decided to forward them to the Parliamentary Assembly and the Secretary General (41st plenary meeting, Venice, 10 - 11 December 1999).

II. Guidelines on prohibition of political parties and analogous measures

The Venice Commission:

Being committed to the promotion of the fundamental principles of democracy, the rule of law and the protection of human rights, in a context of enhanced democratic security for all, throughout the entire Council of Europe area,

Taking into account the essential role of political parties in any democracy, considering that freedom of political opinion and freedom of association, including political association, represent fundamental human rights guaranteed by the European Convention on the Protection of Human Rights and are primordial elements of any genuine democracy as envisaged by the Statute of the Council of Europe,

Having particular regard to States' practice in the field of protecting (and of organising) the exercise of the rights to freedom of association and to freedom of expression,

Committed to the principle that these rights cannot be restricted other than by a decision of a competent judicial body in full respect of the rule of law and the right to a fair trial,

Recognising the need to further promote future standards in this field, based on the provisions of the European Convention for the Protection of Human Rights and on the values of the European legal heritage,

Has adopted the following guidelines:

1. States should recognise that everyone has the right to associate freely in political parties. This right shall include freedom to hold political opinions and to receive and impart information without interference by a public authority and regardless of frontiers. The requirement to register political parties will not in itself be considered to be in violation of this right.
2. Any limitations to the exercise of the above-mentioned fundamental human rights through the activity of political parties shall be consistent with the relevant provisions of the European Convention for the Protection of Human Rights and other international treaties, in normal times as well as in cases of public emergencies.
3. Prohibition or enforced dissolution of political parties may only be justified in the case of parties which advocate the use of violence or use violence as a political means to overthrow the democratic constitutional order, thereby undermining the rights and freedoms guaranteed by the constitution. The fact alone that a party advocates a peaceful change of the Constitution should not be sufficient for its prohibition or dissolution.
4. A political party as a whole can not be held responsible for the individual behaviour of its members not authorised by the party within the framework of political/public and party activities.
5. The prohibition or dissolution of political parties as a particularly far-reaching measure should be used with utmost restraint. Before asking the competent judicial body to prohibit or dissolve a party, governments or other state organs should assess, having regard to the situation of the country concerned, whether the party really represents a danger to the free and democratic political order or to the rights of individuals and whether other, less radical measures could prevent the said danger.
6. Legal measures directed to the prohibition or legally enforced dissolution of political parties shall be a consequence of a judicial finding of unconstitutionality and shall be deemed as of an exceptional nature and governed by the principle of proportionality. Any such measure must be based on sufficient evidence that the party itself and not only individual members pursue political objectives using or preparing to use unconstitutional means.

7. The prohibition or dissolution of a political party should be decided by the Constitutional court or other appropriate judicial body in a procedure offering all guarantees of due process, openness and a fair trial.

30. Guidelines on the Financing of Political Parties

adopted by the Commission at its 46th Plenary Meeting,

(Venice, 9-10 March 2001)

The Venice Commission:

Being engaged in the promotion of fundamental principles of democracy, of the rule of law and the protection of human rights, and in the context of improving democratic security for all;

Noting with concern problems relating to the illicit financing of political parties recently uncovered in a number of Council of Europe member states;

Taking into account the essential role of political parties within democracy and considering that freedom of association, including that of political association, is a fundamental freedom protected by the European Convention on Human Rights and is one of the cornerstones of genuine democracy, such as that envisaged by the Statute of the Council of Europe;

Paying particular attention to state practice in the area of financing of political parties;

Recognising the need to further promote standards in this area on the basis of the values of European legal heritage;

Has adopted the following guidelines:

- 1 For the purpose of these guidelines, a political party is an association of persons one of the aims of which is to participate in the management of public affairs by the presentation of candidates to free and democratic elections.
- 2 Such political parties may seek out and receive funds by means of public or private financing.

A Regular Financing

a. Public Financing

- 3 Public financing must be aimed at each party represented in Parliament.
- 4 In order, however, to ensure the equality of opportunities for the different political forces, public financing could also be extended to political bodies representing a significant section of the electoral body and presenting candidates for

election. The level of financing could be fixed by legislator on a periodic basis, according to objective criteria.

Tax exemptions can be granted for operations strictly connected to the parties' political activity.

- 5 The financing of political parties through public funds should be on condition that the accounts of political parties shall be subject to control by specific public organs (for example by a Court of Audit). States shall promote a policy of financial transparency of political parties that benefit from public financing.

b. Private Financing

- 6 Political parties may receive private financial donations. Donations from foreign States or enterprises must however be prohibited. This prohibition should not prevent financial donations from nationals living abroad.

Other limitations may also be envisaged. Such may consist notably of:

- a. a maximum level for each contribution;
 - b. a prohibition of contributions from enterprises of an industrial, or commercial nature or from religious organisations;
 - c. prior control of contributions by members of parties who wish to stand as candidates in elections by public organs specialised in electoral matters.
- 7 The transparency of private financing of each party should be guaranteed. In achieving this aim, each party should make public each year the annual accounts of the previous year, which should incorporate a list of all donations other than membership fees. All donations exceeding an amount fixed by the legislator must be recorded and made public.

B Electoral Campaigns

- 8 In order to ensure equality of opportunities for the different political forces, electoral campaign expenses shall be limited to a ceiling, appropriate to the situation in the country and fixed in proportion to the number of voters concerned.
- 9 The State should participate in campaign expenses through funding equal to a certain percentage of the above ceiling or proportional to the number of votes obtained. This contribution may however be refused to parties who do not reach a certain threshold of votes.

10 Private contributions can be made for campaign expenses, but the total amount of such contributions should not exceed the stated ceiling. Contributions from foreign States or enterprises must be prohibited. This prohibition should not prevent financial contributions from nationals living abroad.

Other limitations may also be envisaged. Such may consist notably of a prohibition of contributions from enterprises of an industrial or commercial nature or religious organisations.

11 Electoral campaign accounts will be submitted to the organ charged with supervising election procedures, for example, an election committee, within a reasonable time limit after the elections.

12 The transparency of electoral expenses should be achieved through the publication of campaign accounts.

C. Control and sanctions

13 Any irregularity in the financing of a political party shall entail sanctions proportionate to the severity of the offence that may consist of the loss of all or part of public financing for the following year.

14 Any irregularity in the financing of an electoral campaign shall entail, for the party or candidate at fault, sanctions proportionate to the severity of the offence that may consist of the loss or the total or partial reimbursement of the public contribution, the payment of a fine or another financial sanction or the annulment of the election.

15 The above-mentioned rules including the imposition of sanctions shall be enforced by the election judge (constitutional or other) in accordance with the law.

THE AMERICAS

I. ORGANIZATION OF AMERICAN STATES (OAS)

31. Inter-American Democratic Charter

(Adopted by the General Assembly at its special session held in Lima, Peru, on September 11, 2001)

THE GENERAL ASSEMBLY,

CONSIDERING that the Charter of the Organization of American States recognizes that representative democracy is indispensable for the stability, peace, and development of the region, and that one of the purposes of the OAS is to promote and consolidate representative democracy, with due respect for the principle of nonintervention;

RECOGNIZING the contributions of the OAS and other regional and sub-regional mechanisms to the promotion and consolidation of democracy in the Americas;

RECALLING that the Heads of State and Government of the Americas, gathered at the Third Summit of the Americas, held from April 20 to 22, 2001 in Quebec City, adopted a democracy clause which establishes that any unconstitutional alteration or interruption of the democratic order in a state of the Hemisphere constitutes an insurmountable obstacle to the participation of that state's government in the Summits of the Americas process;

BEARING IN MIND that existing democratic provisions in regional and subregional mechanisms express the same objectives as the democracy clause adopted by the Heads of State and Government in Quebec City;

REAFFIRMING that the participatory nature of democracy in our countries in different aspects of public life contributes to the consolidation of democratic values and to freedom and solidarity in the Hemisphere;

CONSIDERING that solidarity among and cooperation between American states require the political organization of those states based on the effective exercise of representative democracy, and that economic growth and social development based on justice and equity, and democracy are interdependent and mutually reinforcing;

REAFFIRMING that the fight against poverty, and especially the elimination of extreme poverty, is essential to the promotion and consolidation of democracy and constitutes a common and shared responsibility of the American states;

BEARING IN MIND that the American Declaration on the Rights and Duties of Man and the American Convention on Human Rights contain the values and principles of liberty, equality, and social justice that are intrinsic to democracy;

REAFFIRMING that the promotion and protection of human rights is a basic prerequisite for the existence of a democratic society, and recognizing the importance of the continuous development and strengthening of the inter-American human rights system for the consolidation of democracy;

CONSIDERING that education is an effective way to promote citizens' awareness concerning their own countries and thereby achieve meaningful participation in the decision-making process, and reaffirming the importance of human resource development for a sound democratic system;

RECOGNIZING that a safe environment is essential to the integral development of the human being, which contributes to democracy and political stability;

BEARING IN MIND that the Protocol of San Salvador on Economic, Social, and Cultural Rights emphasizes the great importance of the reaffirmation, development, improvement, and protection of those rights in order to consolidate the system of representative democratic government;

RECOGNIZING that the right of workers to associate themselves freely for the defense and promotion of their interests is fundamental to the fulfillment of democratic ideals;

TAKING INTO ACCOUNT that, in the Santiago Commitment to Democracy and the Renewal of the Inter-American System, the ministers of foreign affairs expressed their determination to adopt a series of effective, timely, and expeditious procedures to ensure the promotion and defense of representative democracy, with due respect for the principle of nonintervention; and that resolution AG/RES. 1080 (XXI-O/91) therefore established a mechanism for collective action in the case of a sudden or irregular interruption of the democratic political institutional process or of the legitimate exercise of power by the democratically-elected government in any of the Organization's member states, thereby fulfilling a long-standing aspiration of the Hemisphere to be able to respond rapidly and collectively in defense of democracy;

RECALLING that, in the Declaration of Nassau [AG/DEC. 1 (XXII-O/92)], it was agreed to develop mechanisms to provide assistance, when requested by a member state, to promote, preserve, and strengthen representative democracy, in order to complement and give effect to the provisions of resolution AG/RES. 1080 (XXI-O/91);

BEARING IN MIND that, in the Declaration of Managua for the Promotion of Democracy and Development [AG/DEC. 4 (XXIII-O/93)], the member states expressed their firm belief that democracy, peace, and development are inseparable and indivisible parts of a renewed and integral vision of solidarity in the Americas; and that the ability of the Organization to help preserve and strengthen democratic structures in the region will depend on the implementation of a strategy based on the interdependence and complementarity of those values;

CONSIDERING that, in the Declaration of Managua for the Promotion of Democracy and Development, the member states expressed their conviction that the Organization's mission is not limited to the defense of democracy wherever its fundamental values and principles have collapsed, but also calls for ongoing and creative work to consolidate democracy as well as a continuing effort to prevent and anticipate the very causes of the problems that affect the democratic system of government;

BEARING IN MIND that the Ministers of Foreign Affairs of the Americas, at the thirty-first regular session of the General Assembly, held in San Jose, Costa Rica, in keeping with express instructions from the Heads of State and Government gathered at the Third Summit of the Americas, in Quebec City, accepted the base document of the Inter-American Democratic Charter

and entrusted the Permanent Council of the Organization with strengthening and expanding the document, in accordance with the OAS Charter, for final adoption at a special session of the General Assembly in Lima, Peru;

RECOGNIZING that all the rights and obligations of member states under the OAS Charter represent the foundation on which democratic principles in the Hemisphere are built; and

BEARING IN MIND the progressive development of international law and the advisability of clarifying the provisions set forth in the OAS Charter and related basic instruments on the preservation and defense of democratic institutions, according to established practice,

RESOLVES:

To adopt the following:

INTER-AMERICAN DEMOCRATIC CHARTER

I

Democracy and the Inter-American System

Article 1

The peoples of the Americas have a right to democracy and their governments have an obligation to promote and defend it.

Democracy is essential for the social, political, and economic development of the peoples of the Americas.

Article 2

The effective exercise of representative democracy is the basis for the rule of law and of the constitutional regimes of the member states of the Organization of American states. Representative democracy is strengthened and deepened by permanent, ethical, and responsible participation of the citizenry within a legal framework conforming to the respective constitutional order.

Article 3

Essential elements of representative democracy include, inter alia, respect for human rights and fundamental freedoms, access to and the exercise of power in accordance with the rule of law, the holding of periodic, free, and fair elections based on secret balloting and universal suffrage as an expression of the sovereignty of the people, the pluralistic system of political parties and organizations, and the separation of powers and independence of the branches of government.

Article 4

Transparency in government activities, probity, responsible public administration on the part of governments, respect for social rights, and freedom of expression and of the press are essential components of the exercise of democracy.

The constitutional subordination of all state institutions to the legally constituted civilian authority and respect for the rule of law on the part of all institutions and sectors of society are equally essential to democracy.

Article 5

The strengthening of political parties and other political organizations is a priority for democracy. Special attention will be paid to the problems associated with the high cost of election campaigns and the establishment of a balanced and transparent system for their financing.

Article 6

It is the right and responsibility of all citizens to participate in decisions relating to their own development. This is also a necessary condition for the full and effective exercise of democracy. Promoting and fostering diverse forms of participation strengthens democracy.

II

Democracy and Human Rights

Article 7

Democracy is indispensable for the effective exercise of fundamental freedoms and human rights in their universality, indivisibility and interdependence, embodied in the respective constitutions of states and in inter-American and international human rights instruments.

Article 8

Any person or group of persons who consider that their human rights have been violated may present claims or petitions to the inter-American system for the promotion and protection of human rights in accordance with its established procedures.

Member states reaffirm their intention to strengthen the inter-American system for the protection of human rights for the consolidation of democracy in the Hemisphere.

Article 9

The elimination of all forms of discrimination, especially gender, ethnic and race discrimination, as well as diverse forms of intolerance, the promotion and protection of human rights of indigenous peoples and migrants, and respect for ethnic, cultural and religious diversity in the Americas contribute to strengthening democracy and citizen participation.

Article 10

The promotion and strengthening of democracy requires the full and effective exercise of workers' rights and the application of core labor standards, as recognized in the International Labour Organization (ILO) Declaration on Fundamental Principles and Rights at Work, and its Follow-up, adopted in 1998, as well as other related fundamental ILO conventions. Democracy is strengthened by improving standards in the workplace and enhancing the quality of life for workers in the Hemisphere.

III

Democracy, Integral Development, and Combating Poverty

Article 11

Democracy and social and economic development are interdependent and are mutually reinforcing.

Article 12

Poverty, illiteracy, and low levels of human development are factors that adversely affect the consolidation of democracy. The OAS member states are committed to adopting and implementing all those actions required to generate productive employment, reduce poverty, and eradicate extreme poverty, taking into account the different economic realities and conditions of the countries of the Hemisphere. This shared commitment regarding the problems associated with development and poverty also underscores the importance of maintaining macroeconomic equilibria and the obligation to strengthen social cohesion and democracy.

Article 13

The promotion and observance of economic, social, and cultural rights are inherently linked to integral development, equitable economic growth, and to the consolidation of democracy in the states of the Hemisphere.

Article 14

Member states agree to review periodically the actions adopted and carried out by the Organization to promote dialogue, cooperation for integral development, and the fight against poverty in the Hemisphere, and to take the appropriate measures to further these objectives.

Article 15

The exercise of democracy promotes the preservation and good stewardship of the environment. It is essential that the states of the Hemisphere implement policies and strategies to protect the environment, including application of various treaties and conventions, to achieve sustainable development for the benefit of future generations.

Article 16

Education is key to strengthening democratic institutions, promoting the development of human potential, and alleviating poverty and fostering greater understanding among our peoples. To achieve these ends, it is essential that a quality education be available to all, including girls and women, rural inhabitants, and minorities.

IV

Strengthening and Preservation of Democratic Institutions

Article 17

When the government of a member state considers that its democratic political institutional process or its legitimate exercise of power is at risk, it may request assistance from the Secretary General or the Permanent Council for the strengthening and preservation of its democratic system.

Article 18

When situations arise in a member state that may affect the development of its democratic political institutional process or the legitimate exercise of power, the Secretary General or the Permanent Council may, with prior consent of the government concerned, arrange for visits or other actions in order to analyze the situation. The Secretary General will submit a report to the Permanent Council, which will undertake a collective assessment of the situation and, where necessary, may adopt decisions for the preservation of the democratic system and its strengthening.

Article 19

Based on the principles of the Charter of the OAS and subject to its norms, and in accordance with the democracy clause contained in the Declaration of Quebec City, an unconstitutional interruption of the democratic order or an unconstitutional alteration of the constitutional regime that seriously impairs the democratic order in a member state, constitutes, while it persists, an insurmountable obstacle to its government's participation in sessions of the General Assembly, the Meeting of Consultation, the Councils of the Organization, the specialized conferences, the commissions, working groups, and other bodies of the Organization.

Article 20

In the event of an unconstitutional alteration of the constitutional regime that seriously impairs the democratic order in a member state, any member state or the Secretary General may request the immediate convocation of the Permanent Council to undertake a collective assessment of the situation and to take such decisions as it deems appropriate.

The Permanent Council, depending on the situation, may undertake the necessary diplomatic initiatives, including good offices, to foster the restoration of democracy.

If such diplomatic initiatives prove unsuccessful, or if the urgency of the situation so warrants, the Permanent Council shall immediately convene a special session of the General Assembly. The General Assembly will adopt the decisions it deems appropriate, including the undertaking of diplomatic initiatives, in accordance with the Charter of the Organization, international law, and the provisions of this Democratic Charter.

The necessary diplomatic initiatives, including good offices, to foster the restoration of democracy, will continue during the process.

Article 21

When the special session of the General Assembly determines that there has been an unconstitutional interruption of the democratic order of a member state, and that diplomatic initiatives have failed, the special session shall take the decision to suspend said member state from the exercise of its right to participate in the OAS by an affirmative vote of two thirds of the

member states in accordance with the Charter of the OAS. The suspension shall take effect immediately.

The suspended member state shall continue to fulfill its obligations to the Organization, in particular its human rights obligations.

Notwithstanding the suspension of the member state, the Organization will maintain diplomatic initiatives to restore democracy in that state.

Article 22

Once the situation that led to suspension has been resolved, any member state or the Secretary General may propose to the General Assembly that suspension be lifted. This decision shall require the vote of two thirds of the member states in accordance with the OAS Charter.

V

Democracy and Electoral Observation Missions

Article 23

Member states are responsible for organizing, conducting, and ensuring free and fair electoral processes.

Member states, in the exercise of their sovereignty, may request that the Organization of American states provide advisory services or assistance for strengthening and developing their electoral institutions and processes, including sending preliminary missions for that purpose.

Article 24

The electoral observation missions shall be carried out at the request of the member state concerned. To that end, the government of that state and the Secretary General shall enter into an agreement establishing the scope and coverage of the electoral observation mission in question. The member state shall guarantee conditions of security, free access to information, and full cooperation with the electoral observation mission.

Electoral observation missions shall be carried out in accordance with the principles and norms of the OAS. The Organization shall ensure that these missions are effective and independent and shall provide them with the necessary resources for that purpose. They shall be conducted in an objective, impartial, and transparent manner and with the appropriate technical expertise.

Electoral observation missions shall present a report on their activities in a timely manner to the Permanent Council, through the General Secretariat.

Article 25

The electoral observation missions shall advise the Permanent Council, through the General Secretariat, if the necessary conditions for free and fair elections do not exist.

The Organization may, with the consent of the state concerned, send special missions with a view to creating or improving said conditions.

VI

Promotion of a Democratic Culture

Article 26

The OAS will continue to carry out programs and activities designed to promote democratic principles and practices and strengthen a democratic culture in the Hemisphere, bearing in mind that democracy is a way of life based on liberty and enhancement of economic, social, and cultural conditions for the peoples of the Americas. The OAS will consult and cooperate on an ongoing basis with member states and take into account the contributions of civil society organizations working in those fields.

Article 27

The objectives of the programs and activities will be to promote good governance, sound administration, democratic values, and the strengthening of political institutions and civil society organizations. Special attention shall be given to the development of programs and activities for the education of children and youth as a means of ensuring the continuance of democratic values, including liberty and social justice.

Article 28

States shall promote the full and equal participation of women in the political structures of their countries as a fundamental element in the promotion and exercise of a democratic culture.

32. Promotion and Strengthening of Democracy: Follow-up to the Inter-American Democratic Charter

[AG/RES. 1957 (XXXIII-O/03)]

(Resolution adopted at the fourth plenary session, held on June 10, 2003)

THE GENERAL ASSEMBLY,

HAVING SEEN the report of the Permanent Council on the implementation of resolutions AG/RES. 1869 (XXXII-O/02) and AG/RES. 1907 (XXXII-O/02) (AG/doc.4225/03);

MINDFUL that the Charter of the Organization of American States establishes in its preamble “that representative democracy is an indispensable condition for the stability, peace and development of the region” and that it establishes that one of the essential purposes of the Organization is “to promote and consolidate representative democracy, with due respect for the principle of nonintervention”;

BEARING IN MIND the Declaration of Quebec City, adopted at the Third Summit of the Americas, which contains a democracy clause, and the Plan of Action of the Third Summit, which establishes that “the maintenance and strengthening of the rule of law and strict respect for the democratic system are, at the same time, a goal and a shared commitment,” and confers on the Organization important mandates to strengthen democratic systems in the region;

BEARING IN MIND ALSO that the ministers of foreign affairs of the Americas, meeting at the twenty-eighth special session of the General Assembly, in Lima, Peru, adopted the Inter-American Democratic Charter, which is a milestone for the promotion, defense, and consolidation of democracy in the Hemisphere, and which states that “the peoples of the Americas have a right to democracy and their governments have an obligation to promote and defend it,” that “democracy is essential for the social, political, and economic development of the peoples of the Americas,” and that “the participatory nature of democracy in our countries in different aspects of public life contributes to the consolidation of democratic values and to freedom and solidarity in the Hemisphere”;

CONSIDERING that one of the challenges facing the Hemisphere is the consolidation of the democratic institutional framework for the purpose of ensuring democratic governance in the Americas;

RECALLING that, in resolution AG/RES. 1907 (XXXII-O/02), “Promotion of Democracy,” the member states reaffirmed their commitment to democracy and their determination to assign the highest priority to developing programs and activities to promote democratic principles and practices through the work of the Organization; and

BEARING IN MIND resolution AG/RES. 1869 (XXXII-O/02), “Promotion of Democratic Culture,” in which member states were encouraged to develop strategies promoting democratic culture in the Americas, on the basis of the principles and values set out in the Inter-American Democratic Charter, and that the Plan of Action of the Third Summit of the Americas recognized that education is key to strengthening democratic institutions,

RESOLVES:

1. To reaffirm the commitment of the OAS member states to the full exercise and application in the Hemisphere of the democratic principles and values set forth in the OAS Charter, the Inter-American Democratic Charter, and other relevant international instruments.

2. To urge member states to promote and publicize the Inter-American Democratic Charter and to continue implementing it.

3. To support the efforts of the member states to strengthen democratic governance in the Americas, to consolidate democracy and the rule of law, and to promote and respect human rights and fundamental freedoms.

4. To adopt the topic "Follow-up and Development of the Inter-American Democratic Charter" as a permanent General Assembly agenda item, so that member states that deem it appropriate will report on their progress in promoting, publicizing, and implementing the Inter-American Democratic Charter.

5. To instruct the Permanent Council, in the context of the commitments and mandates arising from the OAS Charter, the Summits of the Americas process, and the Inter-American Democratic Charter:

- a. To organize, with support from the General Secretariat, through the Unit for the Promotion of Democracy (UPD) and the Unit for Social Development and Education, and within the resources allocated in the program-budget of the Organization and other resources, a special meeting on the topic "Promotion of Democratic Culture through Education" in the last quarter of 2003, with the participation of political parties, civil society organizations, academic institutions, and other entities associated with the topic;
- b. To hold a meeting each year, in April, to review activities undertaken by the Organization in the preceding calendar year to promote and strengthen democracy, and to determine possible additional activities;
- c. To study the possibility of holding, with support from the General Secretariat, through the UPD and within the resources allocated in the program-budget of the Organization and other resources, a special meeting with a view to fostering an exchange of views on the challenges to democratic governance in the Hemisphere; and
- d. To continue to promote the exchange of experiences and best practices, so as to institutionalize dialogue as a means of promoting democratic governance and resolving conflicts.

6. To request the General Secretariat, through the UPD to:

- a. Coordinate the activities and programs of the various units and offices of the General Secretariat relating to the promotion of representative

democracy, so as to give appropriate attention to fulfilling the mandates on the inter-American agenda;

- b. Promote the exchange of best practices on how governments dialogue with civil society, especially in the area of the promotion of democracy—an activity for which the Inter-American Democratic Charter will provide particularly useful guidance and support; and
- c. Develop strategies to strengthen democratic culture in the Hemisphere and promote democratic principles and practices, employing public information campaigns that focus on the essential elements and components of representative democracy.

7. To recognize the work of the UPD in the promotion and strengthening of democracy, the implementation of its work plan, and its report “Inventory of Activities: Promotion and Consolidation of Representative Democracy, 2002-2003,” presented to the Permanent Council of the Organization; and to request the General Secretariat, through the UPD:

- a. To prepare the aforementioned yearly inventory as a working document, for consideration by the Permanent Council at the meeting each year at which it reviews activities of the Organization to promote, defend, and consolidate democracy in the Hemisphere. The inventory shall include specific recommendations for improving the scope and impact of the Organization’s activities;
- b. To develop a program for comprehensive consideration of democracy-building topics, based on the commitments and mandates arising from the Summits of the Americas and the Inter-American Democratic Charter;
- c. To promote activities making it possible to link more actively the Organization’s democracy agenda with processes for promoting development, with special emphasis on the fight against poverty and topics stemming from the Monterrey Consensus;
- d. To take into account in its activities the role of the media as instruments of special importance in promoting democracy and disseminating democratic principles and values, as well as the contribution which information and communications technologies can make to developing more just, open, and democratic societies;
- e. To support, through its activities and programs, efforts by the member states to modernize the state and to promote access to information, transparency, accountability, and responsibility in public administration;
- f. To continue its efforts to strengthen political parties and other political organizations, through the Inter-American Forum on Political Parties, and, in that regard, to present a proposal to the Permanent Council in

February 2004 at the latest on the organization of a possible special meeting with political parties of the Americas;

- g. To develop, in conjunction with the Secretariat for the Summit Process of the General Secretariat, activities to promote full participation by civil society in the political system;
- h. To continue developing mechanisms for dialogue and instruments for the prevention and settlement of conflicts, so as to support the member states in their interactions with various political and social actors; and
- i. To present a report every four months on progress made in the implementation of its work plan.

8. To urge all bodies of the inter-American system, especially the Inter-American Commission on Human Rights and the Inter-American Commission of Women, to work actively on programs and projects to remove obstacles to full participation by women and men in democratic processes and political party structures.

9. To urge member states and permanent observers to contribute to the Special Fund for Strengthening Democracy, the Fund for Peace: Peaceful Settlement of Territorial Disputes, and the Permanent Specific Fund to Finance Activities Related to OAS Electoral Observation Missions.

10. To instruct the Permanent Council to report to the General Assembly at its thirty-fourth regular session on the implementation of this resolution.

33. Declaration of Santiago on Democracy and Public Trust: A New Commitment to Good Governance for the Americas

[AG/DEC. 31 (XXXIII-O/03)]

(Declaration adopted at the fourth plenary session, held on June 10, 2003)

The Ministers of Foreign Affairs and Heads of Delegation of the member countries of the Organization of American States, assembled in Santiago, Chile, on the occasion of the thirty-third regular session of the OAS General Assembly,

RECALLING that, 12 years ago, the OAS adopted the Santiago Commitment to Democracy and the Renewal of the Inter-American System and resolution AG/RES. 1080 (XXI-O/91), “Representative Democracy”;

BEARING IN MIND that the course charted by the Heads of State and Government at the Third Summit of the Americas entrusts us with tasks that require the ongoing strengthening of democracy;

REAFFIRMING that, from that perspective, the adoption of the Inter-American Democratic Charter reinforced the commitment of the Americas to democracy, freedom, and development;

RECOGNIZING that democratic governance requires the responsible participation of all social actors in building the necessary consensus to strengthen our democracies;

RECOGNIZING that multilateralism and multilateral cooperation play an important role in supporting national efforts to promote good governance and the principles of democracy, and facilitate dialogue and cooperation in the political, economic, social, and cultural arena;

EMPHASIZING that, during the last two decades, the peoples of the region have undergone the most comprehensive and intense democratization process in their history, even when some countries have been obliged to confront serious problems affecting good governance, aggravated by poverty and social exclusion in the context of the difficult economic circumstances in recent years;

RECOGNIZING the need to strengthen credibility and public trust in democratic institutions;

NOTING that the use of violence as a political tool fundamentally affects democratic governance and seriously jeopardizes democracy and its institutions;

BEARING IN MIND that the existence of multidimensional threats, concerns, and other challenges to peace and security affects the enjoyment of the rights of all individuals and democratic stability;

RECOGNIZING that democracy is strengthened by the full respect for freedom of expression, access to information, and free dissemination of ideas, and that all sectors of society, including the media through the diverse information it provides to citizens, can contribute to an

environment of tolerance for all opinions, promote a culture of peace, and strengthen democratic governance; and

TAKING NOTE of the Consensus of Cuzco, recently signed by the Heads of State and Government of the Rio Group, on strengthening democratic governance,

DECLARE:

The Inter-American Democratic Charter constitutes the principal hemispheric benchmark for the promotion and defense of shared democratic principles and values in the Americas at the start of the 21st century. Its effective implementation poses an ongoing challenge to both peoples and governments of the Americas.

The need to define an agenda for good governance for the Hemisphere that addresses political, economic, and social challenges and fosters credibility and public trust in democratic institutions.

In order for that agenda to promote trust and full citizen participation in the democratic, representative form of government, it is essential to strengthen inter-American cooperation and partnership.

Strengthening political parties as intermediaries for citizen demands, in a system of representative democracy, is essential to the functioning of the democratic political system.

The firm intention to promote full participation by citizens in the political system, in order to increase credibility and public trust in democratic institutions, including support for civil society organizations.

Democratic governance calls for reinforced state modernization processes, incorporating new technologies, so as to raise levels of efficiency, probity, and transparency in public administration.

Judicial reform and modernization leading to an independent, more expeditious, and more accessible justice system constitute a primary objective in the process of consolidating the rule of law.

Corruption and impunity weaken our public and private institutions, distort our economies, and undermine the social values of our peoples. Responsibility for preventing and containing these problems lies with all branches of government in collaboration with society as a whole. Cooperation and reciprocal assistance against corruption, in accordance with applicable treaties and law, are fundamental factors in the promotion of democratic governance.

In the framework of a global economy, democratic governance obliges us to focus on the responsible management of public affairs as an essential factor in the sustainable development of our countries with social, ethnic, and gender equity.

The economic and social development of the developing countries of the region must be effectively addressed to support their democratic governance.

Strengthening democratic governance calls for the elimination of poverty and social exclusion and the promotion of equitable economic growth, by means of sound public policies and practices that promote equal opportunity, education, health, and full employment.

The states should strengthen their public policies and reinforce measures to address directly the grave problems of poverty, malnutrition, hunger, health care, and illiteracy, which hamper the consolidation of democracy. Economic growth with equity is essential to eradicating poverty, enhancing social justice, and creating equal opportunities for each and every citizen in our region.

This assumes a world economic order that will promote such growth, trade liberalization for the region's products, and an increasing flow of investments into the region. In that context, support for democratic governments from international financial organizations is essential and also assumes the need to consider innovative financing mechanisms to strengthen democratic governance.

The consolidation of democracy in the region requires a culture based on profound democratic principles and values and on their daily observance. These values should be fostered through education for democracy.

Respect for and appreciation of cultural diversity enhance social and economic vitality and contribute positively to the promotion of good governance, social cohesion, and human development. The inclusion of indigenous peoples in our societies and institutions is an essential factor in ongoing efforts to strengthen democracy and human rights.

Gender equality and equity and the elimination of all forms of discrimination are key factors for attaining people-centered sustainable development.

Promoting and strengthening cooperation activities and mutual assistance are vital to building sound democratic institutions that will facilitate transparency and good governance.

The commitment to democracy, the strengthening of the rule of law, and access to effective justice, respect for human rights, the promotion of shared national basic values, and integral development are the foundations of progress, stability, and peace for the peoples of the Americas and are essential to democratic governance.

34. Declaration of Nuevo León
Special Summit of the Americas
Monterrey, Mexico, January 13, 2004

(Excerpts)

Preamble

We, the democratically elected Heads of State and Government of the Americas, who include fourteen new leaders who have taken office since the Third Summit of the Americas, in Quebec City, Canada, have gathered together for a Special Summit in the city of Monterrey, Nuevo León, Mexico. Our purpose is to advance implementation of measures to combat poverty, to promote social development, to achieve economic growth with equity, and to strengthen governance in our democracies. With a renewed and strengthened vision of cooperation, solidarity, and integration, we will confront the continuing and growing challenges in the Hemisphere.

Guided by the need to work together to stimulate prosperity, promote social inclusion and a more equitable distribution of economic growth, eliminate hunger, raise living standards, generate new employment and investment opportunities, and promote decent work as well as confront the new threats to security, such as terrorism, organized crime, and illicit trafficking in arms, we reaffirm our commitment to the Inter-American Democratic Charter and we reiterate our firm intention to continue implementing the mandates of the Summits of the Americas, as well as the commitments made at the Millennium Summit, the International Conference on Financing for Development (the Monterrey Consensus) and the World Summit on Sustainable Development, held in Johannesburg.

We affirm that the well-being of our people requires the achievement of three closely linked and interdependent objectives: economic growth with equity to reduce poverty, social development, and democratic governance.

We therefore declare:

...

Democratic governance

We express our support for the Declaration of Santiago on Democracy and Public Trust to define an agenda for good governance in the Hemisphere that enables us to address political, economic, and social challenges in order to foster credibility and public trust in democratic institutions.

We reiterate our commitment to the full application of the Inter-American Democratic Charter, which constitutes an element of regional identity, and, projected internationally,

is a hemispheric contribution to the community of nations. We reaffirm our decision to coordinate immediate action whenever democracy is threatened in any of our countries. In addition, we will continue our efforts to strengthen mechanisms for the defense of democracy and to develop and promote a culture and education for democracy.

We recognize the participation of many countries of the Hemisphere in the Community of Democracies and call upon the Third Ministerial Conference to continue supporting the strengthening of democratic institutions, particularly political parties.

The strengthening of and respect for the rule of law, the defense of human rights and fundamental freedoms, economic progress, well-being and social justice, transparency and accountability in public affairs, the promotion of diverse forms of participation by our citizens, and the development of opportunities for all are fundamental to promote and consolidate representative democracy.

Democratic governance is strengthened through dialogue among all sectors of society. We will continue to foster a culture of democracy and development based on pluralism and the acceptance of social and cultural diversity.

We recognize that corruption and impunity weaken public and private institutions, erode social values, undermine the rule of law, and distort economies and the allocation of resources for development. Therefore, we pledge to intensify our efforts to combat corruption and other unethical practices in the public and/or private sectors, strengthening a culture of transparency and ensuring more efficient public management.

We express our concern regarding corrupt, illegal, and fraudulent practices in the management of some national and transnational enterprises, that may have a negative impact on economies, in particular those of developing countries and on their producers and consumers.

The Inter-American Democratic Charter states that the peoples of the Americas have the right to democracy and that their governments have the obligation to promote and defend it, and it establishes that transparency in government activities, probity, and responsibility in public management are key components of the exercise of democracy. We will therefore increase our cooperation within the framework of the Inter-American Convention against Corruption, particularly by strengthening its follow-up mechanism. We charge the upcoming meeting of the Conference of States Parties to the follow-up mechanism of the Convention with proposing specific measures to strengthen this mechanism. These recommendations will be evaluated at a meeting of the States Parties to the Convention, to be held in Managua, Nicaragua in mid-2004. That meeting will also consider additional concrete measures to increase transparency and combat corruption. We instruct our foreign ministers to report on the progress achieved to the Fourth Summit of the Americas.

We agree to hold consultations in the event that adherence to our shared transparency and anticorruption objectives, as articulated in the Inter-American Convention against Corruption, is compromised to a serious degree in any of our countries.

We undertake to promote transparency in political processes, in public financial management, and in government transactions, procurement processes, and contracts, in accordance with domestic legislation, in order to, *inter alia*, prevent abuse and maintain public confidence.

In the framework of applicable national and international law, we commit to deny safe haven to corrupt officials, to those who corrupt them, and their assets; and to cooperate in their extradition as well as in the recovery and return of the proceeds of corruption to their legitimate owners. We also commit to enhance regional mechanisms for mutual legal assistance in criminal matters and their implementation.

The United Nations Convention against Corruption is a valuable instrument to confront this scourge, and therefore we commit to consider signing and promoting its ratification.

We further commit to increase transparency in the international organizations of which we are members by strengthening their accountability mechanisms.

We recognize that political pluralism and sound political parties are essential elements of democracy. We underscore the importance of rules to ensure the transparency of party finances, to prevent corruption and the risk of undue influence, and to encourage a high level of electoral participation. Therefore, we will promote the conditions that enable political parties to thrive, autonomous of government control. We will encourage political training and leadership development, including for women, youth, indigenous people, members of ethnic groups, and marginalized segments of the population. We acknowledge the important work of the Inter-American Forum on Political Parties in enabling political parties to share best practices and strengthen themselves, as well as promoting reforms of political party systems.

We agree that, through citizen participation, civil society organizations should contribute to the design, implementation, and evaluation of public policies adopted by different orders or levels of government. We recognize the role of civil society and its contribution to sound public administration and we reaffirm the importance of continuing to forge new partnerships that will enable constructive ties to be built between governments, nongovernmental organizations, international organizations, and the diverse sectors of civil society to work in favor of development and democracy.

We encourage the participation of civil society in the Summits of the Americas process and we undertake to institutionalize meetings with civil society and with the academic and private sectors.

We will encourage the modernization of the State as an important element for strengthening democratic and good governance, combining effectiveness and efficiency

with greater access to services, transparency, and responsibility in management and the consolidation and professionalization of the civil service. We undertake to promote the use of new information and communication technologies in public administration and to adopt strategies for the development of electronic government.

Access to information held by the State, subject to constitutional and legal norms, including those on privacy and confidentiality, is an indispensable condition for citizen participation and promotes effective respect for human rights. We are committed to providing the legal and regulatory framework and the structures and conditions required to guarantee the right of access to information to our citizens.

We take note with satisfaction that governments in the Hemisphere are implementing the Monterrey Consensus by exploring innovative ways to mobilize financing for private and public investment and to strengthen debt management, by considering financial instruments, such as growth-indexed bonds and others, to promote macroeconomic stability and reduce financial vulnerability. The implementation of such measures would be aimed at accelerating growth, reducing poverty, and strengthening democratic governance. We also note the efforts of governments in the region to promote discussion in this area.

We emphasize the role of the existing multilateral agencies in providing humanitarian assistance. We also take note of discussions and initiatives oriented on improving the effectiveness of providing humanitarian assistance and alleviating poverty, such as the proposal to create a voluntary International Humanitarian Fund.

Social justice and the reduction of poverty contribute to the stability, democracy, and security of our States and the region. We reiterate that among the principal causes of instability in the region are poverty, inequality, and social exclusion, which we must confront comprehensively and urgently.

The progress made in economic and social development and in attaining a higher standard of equity through good governance will contribute to the advancement of stability in the Hemisphere and deepen the human dimension of security.

We reiterate our commitment to the objectives and purposes contained in the Declaration on Security in the Americas, approved at the Special Conference on Security, held in Mexico City in October 2003, based on, *inter alia*, the multidimensional concept of security as well as the principle that the basis and purpose of security is the protection of human beings.

This is our first meeting since the tragic events of September 11, 2001. We reiterate that terrorism, as well as the proliferation of weapons of mass destruction, constitute grave threats to international security, to the institutions and the democratic values of States, and to the well-being of our peoples. We resolve to intensify our efforts and strengthen cooperation in confronting these threats.

We will take all necessary steps to prevent and counter terrorism and its financing in full compliance with our obligations under international law, including international human rights, refugee, and humanitarian law. Similarly, we commit to fight all forms of transnational crime, including illicit trafficking in drugs, arms, and persons, particularly when they generate funds used in support of terrorist organizations. We also commit to adhere to global anti-money laundering and anti-terrorist financing standards.

We call upon all countries that have not yet done so to ratify the Inter-American Convention against Terrorism, the twelve United Nations conventions and protocols on terrorism, as well as other related instruments. We further call upon all countries to urgently consider signing and ratifying the Inter-American Convention on Mutual Assistance in Criminal Matters and to participate actively in the Network on Mutual Legal Assistance in Criminal Matters.

We call upon the Organization of American States, the Inter-American Development Bank, the Pan American Health Organization, the United Nations Economic Commission for Latin America and the Caribbean, the World Bank, the Inter-American Institute for Cooperation on Agriculture, the Andean Development Corporation, the Central American Bank for Economic Integration, and the Caribbean Development Bank to strengthen their coordination, and to continue deepening their support, through their respective activities and programs, and committing appropriate resources to implement and conduct follow-up on the Plans of Action of the Summits of the Americas, and this Declaration, and to assist in preparations for the Fourth Summit of the Americas in 2005.

We thank the Organization of American States and its General Secretariat, in particular the Secretariat of the Summits of the Americas Process, and the Joint Summit Working Group for their work in Summits follow-up and in the preparatory work for this Special Summit.

We express our appreciation to the people and Government of Mexico for hosting this Special Summit, and to the Government of Argentina for confirming its offer to host the Fourth Summit of the Americas in 2005.

We, the Heads of State and Government of the Americas, agree that this document shall be known as the “Declaration of Nuevo León” and we hereby approve it on this thirteenth day of January, in the year two thousand and four.

35. Draft Declaration of Quito on Social Development and Democracy, and the Impact of Corruption

GENERAL ASSEMBLY

THIRTY-FOURTH REGULAR SESSION OEA/Ser.P

June 6-8, 2004 AG/CG-14/04 rev. 1 corr.1

Quito, Ecuador 8 June 2004

*(Approved by the General Committee at its third meeting, held on June 8, 2004)
The Ministers of Foreign Affairs and Heads of Delegation of the member states of the Organization of American States, assembled in Quito, Ecuador, on the occasion of the thirty-fourth regular session of the General Assembly.*

REITERATING that social development and democracy are essential purposes of the OAS and of its member states;

RECALLING that the Inter-American Democratic Charter declares that the peoples of the Americas have a right to democracy and their governments have an obligation to promote and defend it and, at the same time, it establishes that transparency in government activities, probity, and responsible public administration on the part of governments are essential components of the exercise of democracy;

BEARING IN MIND that, since its inception, the Summits of the Americas process has been concerned with the fight against corruption and that this topic has warranted the attention of our Heads of State and Government;

TAKING INTO ACCOUNT the Declaration of Santiago on Democracy and Public Trust: A New Commitment to Good Governance for the Americas [AG/DEC. 31 (XXXIII-O/03)] and resolution AG/RES. 1960 (XXXIII-O/03), "Program for Democratic Governance in the Americas";

UNDERSCORING the Declaration on Security in the Americas, in which corruption is recognized, from a multidimensional perspective, as a new threat to the security of states that undermines public and private institutions and public trust, causes grave economic damage, impairs stability, erodes the rule of law, and weakens governmental capacity to respond to other threats to security;

RECALLING the mandate set forth in the Declaration of Nuevo León, adopted by the Special Summit of the Americas, which establishes a commitment to join efforts within the framework of the Inter-American Convention against Corruption, particularly by strengthening the Follow-up Mechanism for Implementation of that Convention;

REAFFIRMING our determination to continue to implement the Plans of Action of the Summits of the Americas as well as the commitments undertaken in the Declaration of the Millennium Summit;

RECALLING that the United Nations Convention against Corruption (Mérida Convention) indicates that corruption is no longer a local matter but a transnational phenomenon that affects all societies and economies, making international cooperation to prevent and control it essential;

RECALLING ALSO that the Mérida Convention affirms that cases of corruption involve vast quantities of assets, which may constitute a substantial proportion of the resources of states, and that threaten the political stability and sustainable development of those states;

CONVINCED that multilateralism and cooperation among sovereign states play an important role in supporting national efforts to consolidate democracy, promote social development, and fight corruption;

RECOGNIZING that external debt relief may be a critical factor in freeing resources that can be directed to activities that promote social investment of states and strengthen democracy;

RECOGNIZING:

That the Inter-American Convention against Corruption is the most important inter-American legal instrument for fighting corruption, in that it establishes indispensable means of cooperation in the fight against this scourge and thus promotes international actions to prevent, detect, and punish it;

The efforts made by member states to honor the commitments undertaken in the Inter-American Convention against Corruption, and their participation in the Follow-up Mechanism to that Convention; and

The importance of the “Conclusions and Recommendations concerning Specific Measures for Strengthening the Follow-up Mechanism for Implementation of the Inter-American Convention against Corruption (MESICIC), adopted by the First Conference of the States Parties to the Mechanism, held at OAS headquarters on April 1 and 2, 2004; and

UNDERSCORING the recent adoption of the Mérida Convention as an effective and modern instrument for fighting corruption, particularly because it establishes the obligation of the States Parties to adopt preventive measures and to criminalize a wide range of acts of corruption; to extend to one another the broadest possible cooperation with respect to extradition and mutual legal assistance, pursuant to national legislation and applicable international norms, and confiscation of the proceeds of crime; to provide technical assistance and create a mechanism for returning proceeds of acts of corruption to their legitimate owners; and making an appeal for its prompt ratification to ensure its entry into force and the implementation of its mechanisms,

DECLARE:

1. That development, democracy, and the fight against corruption are closely interrelated topics and, as such, should be addressed in a balanced and integrated way by our countries.

2. That the world phenomenon of corruption constitutes a serious obstacle to the social development of our peoples and has warranted the attention of our Heads of State and Government in the Summits of the Americas. In that regard, we reaffirm our commitment to fight corruption, which jeopardizes democracy and democratic governance, weakens institutions, undermines economic and social development and the fight against poverty, erodes public trust, and disrupts political stability.
3. That they commit, in the framework of applicable national and international law, to deny safe haven to corrupt officials, to those who corrupt them, and the proceeds of corruption; and to cooperate in their extradition as well as in the recovery and return of those proceeds of corruption to their legitimate owners and enhance regional mechanisms for mutual legal assistance in criminal matters.
4. Our concern regarding corrupt, illegal, and fraudulent practices in the management of some national and transnational enterprises, which may have a negative impact on economies, in particular those of developing countries, and on their producers and consumers.
5. That we reaffirm our pledge to intensify our efforts to combat corruption and other unethical practices in the public and/or private sectors, strengthening a culture of transparency and ensuring more efficient public management.
6. Their willingness to promote the adoption, in accordance with fundamental principles of their domestic law, as may be necessary to enable competent authorities to return confiscated property to the requesting state, in the case of embezzlement of public funds or of laundering of embezzled public funds.
7. The importance of the international community making concerted efforts with the states of the Hemisphere to fight corruption and impunity, offering them the broadest cooperation in the framework of applicable treaties and laws so that those who have perpetrated acts of corruption from a position of political power against those states can be tried by their national courts and be answerable to them.
8. That political pluralism and sound political parties are essential elements of democracy. We underscore the importance of rules to ensure the transparency of party finances, to prevent corruption and the risk of undue influence and to encourage a high level of electoral participation.
9. That the prevention and eradication of corruption is a responsibility of all states and that they must cooperate with one another, with the support and involvement of individuals and groups outside the public sector, such as civil society, nongovernmental organizations, and community-based organizations, as well with the private sector, if their efforts in this area are to be effective.

10. That the fight against corruption should involve principles of proper management of public affairs and public property, fairness, responsibility and equality before the law, fundamental principles of due process of law in criminal proceedings and in civil or administrative proceedings to advocate property rights, and the need to safeguard integrity and to foster a culture of rejection of corruption.

11. That international cooperation against corruption should be respectful of the sovereignty and territorial integrity of states and the principle of nonintervention in domestic matters.

12. That the Inter-American Convention against Corruption is the framework for collective action and hemispheric cooperation in this field. We underscore our commitment to strengthen the Follow-up Mechanism for Implementation of the Inter-American Convention against Corruption (MESICIC), and in that connection we endorse the conclusions and recommendations of concrete measures to strengthen the MESICIC adopted by the First Conference of the States Parties thereto.

13. That they also underscore the importance of having the Conference of the States Parties to the Convention, to be held in Managua, Nicaragua on July 8 and 9, 2004, pursuant to the mandate of the Special Summit of the Americas, adopt additional concrete measures to increase transparency and combat corruption in the Hemisphere.

14. Their resolute support for implementation of the Inter-American Program to Combat Corruption and for the Inter-American Network for Cooperation against Corruption, established in the framework of the OAS.

15. That the media and the various actors in civil society must play a fundamental role in the prevention of and fight against corruption, in accordance with domestic law and applicable international norms. Responsible action on their part contributes to the culture of transparency, good governance, and democratic values.

16. That access to public information supports government transparency and contributes to preventing impunity by permitting the detection of acts of corruption. We pledge to promote additional measures to enhance government transparency.

17. That the strengthening of and respect for the rule of law, the defense of human rights and fundamental freedoms, economic progress, well-being and social justice, transparency and accountability in public affairs, the promotion of diverse forms of participation by our citizens, and the development of opportunities for all are fundamental to promote and consolidate representative democracy.

18. Their commitment to move forward toward overcoming poverty, hunger, and social inequality and toward the development of the Inter-American Program against Poverty, through the recently strengthened Inter-American Committee on Social Development.

19. The importance of intensifying actions, especially by means of international cooperation and the exchange of information, best practices, and shared visions on existing anticorruption commitments adopted by our governments, including those set forth in the Inter-American Convention against Corruption, the Declaration of Nuevo León, and the Mérida Convention, as appropriate.

J. ANDEAN COMMUNITY

36. Declaration about Democracy and Integration

Andean Presidential Council
Santafe de Bogota, August 7, 1998

(Excerpt)

The Presidents of Bolivia, Colombia, Ecuador and Venezuela, and the First Vice President of Peru, having met in Santafe de Bogota, on the occasion of the inauguration of President Andres Pastrana Arango, celebrated the victory of Colombia's democracy, an unequivocal expression of the Colombian people's vocation to peace, that sets a new milestone in the political development of that Nation. They also expressed their profound satisfaction at the successful democratic process protagonized by the Ecuadorian people, which culminated in the election of Jamil Mahuad Witt to the Presidency of the Republic.

The validity of democracy in Latin American is strengthened with these experiences of the countries of the Andean Community, which have assumed democracy as an indispensable condition for the stability, peace and development of the subregion.

The Presidents considered this opportunity appropriate to give testimony to their commitment to democracy, in the conviction that its consolidation will contribute to secure an effective and growing citizen participation in all the aspects of political, economic and social life.

By initiative of President Andres Pastrana and under his Chairmanship, they met as the Andean Presidential Council in order to sign the following:

Andean Community Commitment to Democracy

1. The Andean Community is a community of democratic nations. The full validity of democracy has been an essential condition for political dialogue and cooperation, foundations of the economic, social and cultural integration process within the framework of the Agreement of Cartagena and the other instruments that make up the Andean Integration System.
2. The Andean Community has among its main objectives the development and consolidation of democracy and the Rule of Law, as well as the respect for human rights and fundamental freedoms.
3. Based on the foregoing, they agree to:
4. Instruct the Andean Council of Ministers of Foreign Affairs to prepare, before the end of the year, a draft of an Additional Protocol to the Agreement of Cartagena, that establishes measures to be adopted by the countries upon an eventual rupture of the democratic order in a Member Country.

...

37. Additional Protocol to the Cartagena Agreement
"Andean Community Commitment to Democracy"
Lima 2000

(This Protocol finished being signed by the Andean Foreign Ministers on June 10, 2000 and will enter into effect once it has been ratified by the Congresses of Bolivia, Colombia, Ecuador, Peru, and Venezuela and the respective instruments have been deposited with the General Secretariat of the Andean Community.)

The Governments of Bolivia, Colombia, Ecuador, Peru, and Venezuela,

REAFFIRMING the Cartagena Agreement, which states that the Member Countries agree to sign the Subregional Integration Agreement "Founded on principles of equality, justice, peace, solidarity, and democracy";

STRESSING that the Andean Community is a community of democratic nations that have shown a sustained will to promote democratic living and the constitutional state, both in the Andean Subregion and in Latin America and Caribbean ever since the birth of their integration movement;

ASSERTING that the aim of the Andean Community's political action and of its common foreign policy is to develop, improve, and consolidate democracy and the constitutional state; and

RATIFYING the Presidential Declaration on the Andean Community Commitment to Democracy, signed in Bogota on August 7, 1998,

AGREE as follows:

ARTICLE 1

Democratic institutions and a constitutional state that are fully effective are essential to the political cooperation and the process of economic, social, and cultural integration carried out within the framework of the Cartagena Agreement and of other instruments of the Andean Integration System.

ARTICLE 2

The provisions of this Protocol shall be applicable if the democratic order is disrupted in any of the Member Countries

ARTICLE 3

In the event of developments that could be considered a disruption of the democratic order in any Member Country, the other Andean Community Member Countries shall consult with each other and, if possible, with the country involved in order to examine the nature of those developments.

ARTICLE 4

If the consultations cited in the previous Article so establish it, the Council of Foreign Ministers shall be convened to ascertain whether the developments in question constitute a disruption of the democratic order, in which case appropriate measures shall be adopted for its prompt reestablishment

These measures specifically concern the relations and commitments deriving from the Andean integration process. They shall be taken in accordance with the seriousness and the evolution of political developments in the country in question and shall include:

- a. Suspension of the Member Country's participation in any of the bodies of the Andean Integration System;
- b. Suspension of its participation in the international cooperation projects carried out by the Member Countries;
- c. Extension of the suspension to other System bodies, including its disqualification by Andean financial institutions from obtaining access to facilities or loans;
- d. Suspension of rights to which it is entitled under the Cartagena Agreement and of the right to coordinate external action in other spheres; and
- e. Other measures and actions that are deemed pertinent under International Law.

ARTICLE 5

The measures cited in the previous article shall be adopted by the Andean Council of Foreign Ministers through a Decision, without the participation of the Member Country involved. That Decision shall become effective on the date of its approval and the country in question shall be notified immediately thereof.

ARTICLE 6

Without prejudice to the foregoing, the Governments of the Member Countries shall continue to take diplomatic steps to bring about the reestablishment of democratic order in the Member Country in question.

ARTICLE 7

Measures adopted pursuant to Article 4 shall cease through a Decision once the Andean Council of Foreign Ministers ascertains that democratic order has been reestablished in the Member Country in question.

ARTICLE 8

The Andean Community shall seek to incorporate a democratic clause in the agreements it signs with third parties, in accordance with the criteria set out in this Protocol.

ARTICLE 9

This Protocol shall enter into force when all of the Member Countries have deposited their respective instruments of ratification with the General Secretariat of the Andean Community.

Done at Oporto, Portugal on the twenty-seventh of October of nineteen ninety-eight, in five original copies, all equally authentic.

38. Machu Picchu Declaration on Democracy, the Rights of Indigenous Peoples and the War against Poverty

Lima - Machu Picchu. July 28-29, 2001

The Presidents of the Andean Community Member Countries, in the presence of the Presidents of Argentina, Brazil, Chile, Costa Rica, Dominican Republic, Panama, Paraguay, and Uruguay, the Prince of Asturias, and the Secretary General of the Andean Community, gathered for the assumption by Dr. Alejandro Toledo of the Presidency of Peru, have adopted the following:

Machu Picchu Declaration on Democracy, the Rights of Indigenous Peoples and the War against Poverty

BEARING IN MIND that our political systems are grounded in democracy, respect for human rights, and the basic freedoms;

BEARING IN MIND the interrelationship and mutual involvement that exist among democracy, human rights, peace, social development, and the war on poverty;

CONSIDERING that the multicultural and multiethnic nature of our countries was an essential element in the formation of the nationalities and the historical identity of our nations; and that it continues to be an essential characteristic of the human and social wealth of our societies, as in the past;

AWARE that the indigenous peoples, for the most part, suffer from poverty and extreme poverty and that there is a need to guarantee and promote their rights, including the right to diversity;

CONSIDERING the determination of our governments to concentrate their resources on social and economic development tasks and particularly on the war against poverty and extreme poverty and the creation of productive and worthy employment;

CONSIDERING that all of the efforts of Latin American integration are in agreement on the common will to establish mechanisms for political cooperation, to fight poverty, and to liberalize trade

DECIDE:

To move ahead with the defense of democracy and respect for human rights

1. To express our deep conviction that democracy, development, and respect for human rights and basic freedoms are interdependent and mutually strengthening. We accordingly reaffirm our intention to reinforce democracy as a system of government and an irreplaceable element of our political identity, to promote its values as a way of life, and to defend democratic institutions and the state of law

- in Latin America and the Caribbean. We further reiterate that the effective exercise of democracy requires strengthening its participatory nature.
2. To reiterate our decision to adopt an Inter-American Democratic Charter during the Special General Assembly of the OAS that will be held in Lima this coming September, as an instrument conducive to the promotion, stability, preservation, and defense of democratic institutions.
 3. To renew the commitment of our governments to the exercise of and respect for human rights and our intention to strengthen the Inter-American Human Rights System, including the possibility of the progressive and continuing operation of the Inter-American Human Rights Court and the Inter-American Human Rights Commission, as well as to foster the universality of the inter-American system for the protection of human rights.
 4. The Presidents of the Andean Countries, pursuant to the Act of Carabobo adopted at the Thirteenth Andean Presidential Council, instructed the Foreign Ministers to draw up the text of the Andean Human Rights Charter for presentation at the next meeting of the Andean Presidential Council; that instrument shall set out the principles and the major lines for a Community policy on the subject, including the issues associated with the rights of women and of indigenous peoples.
 5. We Andean Presidents made the decision to entrust the Foreign Ministries with the drafting of a proposal to reinforce programs for promoting democracy; providing for all forms of citizen participation; preparing, putting forward and carrying out actions for education in democracy; the exchange of experiences among political parties in the Subregion; and developing policies for promoting and disseminating democratic values, in keeping with existing national policies.
 6. We consider the cultural and ethnic diversity that is a hallmark of our nations to be a source of great wealth and of unity among our societies. The exercise of democracy in our nations requires a respect for and promotion of their diversity. In this regard, it is our intention to continue implementing strategies and policies for revaluing the multiethnic and multicultural characteristics of our countries, with a view to promoting full participation by the indigenous peoples and ethnic minorities.

The rights of indigenous peoples

7. We firmly support all efforts that are geared towards promoting and protecting the basic rights and freedoms of the indigenous peoples, among them: their individual and collective right to their spiritual, cultural, linguistic, social, political, and economic identity and traditions, their right as peoples to retain control of their historic cultural heritage; their right to their systems, know-how and practice of traditional medicine, including the right to the protection of their ritual and sacred places; their right to an education in diversity; and their right to be elected to and to hold public office. We express our intention of safeguarding these rights within our public order and in compliance with existing constitutional and legal provisions.
8. Our States have the duty of safeguarding and guaranteeing the implementation of the provisions of the American Declaration of Human Rights and Duties, the

American Human Rights Convention, and all other existing regional and universal instruments in order to ensure that indigenous peoples are able to exercise their human rights fully, in keeping with the principle of non-discrimination. In this connection, we shall advance the preparation and approval of the American Declaration on the Rights of Indigenous Peoples.

9. Policies to ensure the active participation of indigenous peoples in all spheres of national life are needed if democracy and the state of law are to be consolidated in our countries. The Foreign Ministers shall accordingly propose the establishment within the institutional framework of the Andean Community of Nations, of a working group on the rights of indigenous peoples, with the participation of indigenous organizations, human rights organizations, civil society, and representatives of each of the Member States. The purpose of this group shall be to incorporate the indigenous peoples fully into the economic, social, and political life of our nations, while at the same time respecting and promoting their cultural diversity. This group shall hold its first meeting shortly in the city of Cuzco.

An alliance for the war against poverty

10. Aware that an effective war against poverty must be grounded in authentic and complete democracy, we Heads of State reiterate our intention to undertake measures to reduce poverty by 50 percent by the year 2015.
11. Social justice is a basic element of democracy and is essential for guaranteeing the political stability and legitimacy of our governments. For that reason, we commit our countries to attain sufficient economic growth with social equity to allow our societies to overcome their inequalities, emerge from their poverty, and meet the challenges that face them.
12. It is our intent to strengthen our political cooperation within the subregional integration process and to attach considerable priority to our social agenda.
13. We believe that good governance and efficient and transparent administration, with mechanisms for citizen participation, are essential elements for using our resources adequately to overcome existing social inequalities.
14. Aware that corruption poses a threat to democratic stability and has a negative effect on the war against poverty, we reiterate the need to increase our efforts to fight corruption and to cooperate in any joint measures that may be necessary in keeping with international law and regional agreements on the subject.
15. We have great expectations for the agreements reached by the Group of 8 in Genoa and urge those governments to make them effective, especially those agreements that concern external debt relief and the war on poverty and extreme poverty.
16. In this connection, we express the desirability of reaching agreements within international financial organizations and among the governments of the industrialized nations, particularly with regard to the policies on increasing non-reimbursable cooperation and financing for projects in the critical areas of the war on poverty. We attribute special priority to debt-for-development project-swaps in benefit of the most vulnerable sectors of society.

17. We express our firm political intention to approve a new common tariff before the next Andean Presidential Council. This instrument, combined with the execution of commitments in regard to the circulation of people, the Andean passport, and border integration and development, will ensure the establishment of the Andean Common Market by the year 2005.
18. In implementation of the agreements reached at the Carabobo Summit and with a view to advancing the social agenda and mobilizing all sectors of society in the war against poverty and the creation of jobs, we Presidents of the Andean Community charge the Foreign Ministers to draft a proposal to set up a social conciliation group within the Andean forum approved at the Carabobo Summit in order to give the citizenry full participation in the integration processes. That group shall contribute its ideas to the design of an "Integrated Andean Social Development Plan."

We Presidents of the Andean Community Countries congratulate Dr. Alejandro Toledo on his election as Constitutional President of Peru, as well as on his leadership, from a position in civil society, in reinstitutionalizing democracy in Peru. We further applaud President Valentín Paniagua and his Government for having held free and fair elections and for his outstanding role in consolidating democracy in Peru, as well as for having reestablished the exercise of human rights and basic freedoms.

39. Andean Charter for the Promotion and Protection of Human Rights

(July 2002)

(Excerpts)

The Presidents of Bolivia, Colombia, Ecuador, Peru and Venezuela, meeting as the Andean Presidential Council and on behalf of the peoples of the Andean Community,

Drawing inspiration from the thought of The Liberator Simón Bolívar, who in his Address to the Constituent Congress of Bolivia proclaimed that it is the prime desire of all peoples to attain possession of their rights, exercise political virtues and facilitate to each person the acquisition of the luminous talents and enjoyment that belonging to the human race essentially entails;

Convinced that human rights are inherent to all human beings, who are all free and equal in dignity and rights;

Considering that the internal legal order of the States and International Law on Human Rights must protect human rights permanently and complementarily;

Committed to the respect and application of the Charter of the United Nations, the Charter of the Organization of American States, the American Convention on Human Rights - Pact of San José -, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Additional Protocol to the American Convention on Human Rights in the area of Economic, Social and Cultural Rights - Protocol of San Salvador -, the Inter-American Democratic Charter and other international instruments on human rights to which the Andean nations are State Parties;

Engaged in the defense of the objectives and principles set forth in the Universal Declaration of Human Rights, the American Declaration on the Rights and Duties of Man and the United Nations Declaration on the Right to the Development;

Recognizing the contribution of the Andean Parliament and, in particular, the principles set forth in the Andean Social Charter adopted on September 30, 1994;

Committed to the development of the increasingly dynamic role played in today's world by the Andean Community, a conglomerate of peoples united by the conscience of a common past and geography and as a brotherhood in search of historical targets that affirm and project the roots and traditions characteristic of their identity;

Decided to consolidate and promote Andean unity based on the recognition of the diversity of their territories, peoples, ethnic groups and cultures, and with the firm belief that democracy, development and the respect of human rights and fundamental freedoms are interdependent and mutually reinforcing;

Bearing in mind the recommendations of the Andean Subregional Seminar «Democracy and Human Rights», held in Quito in August 2000, related to the drafting of an Andean Charter for the Promotion and Protection of Human Rights and cooperation to strengthen the observance of human rights in the Andean region;

Taking note of the valuable contributions derived from the consultation process carried out to prepare this Charter with Andean Community bodies - in particular those received from the Court of Justice of the Andean Community and the Andean Labor Council - and representatives of civil society in the five Andean countries;

Determined to contribute towards advancing world solidarity and respect for human diversity based on the promotion and protection of human rights, and to promote the political, economic and social development of their countries, having as a focus and ultimate goal the welfare of the human being;

In compliance with the mandates of the Act of Carabobo, of June 24, 2001 and of the Declaration of Machu Picchu on democracy, the rights of indigenous peoples and the fight against poverty, of July 29, 2001, through which the Presidents of the Andean countries entrusted the Andean Council of Ministers of Foreign Affairs the preparation of a draft Andean Charter for the Protection and Promotion of Human Rights containing the principles and substantive issues of community policy on the subject;

Decided to jointly proclaim the principles, objectives and commitments of the Andean Community regarding the promotion and protection of human rights;

Sign this

ANDEAN CHARTER FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

SECTION I

GENERAL PRINCIPLES

Article 1. The Member States of the Andean Community recognize that human rights are inherent to the nature and dignity of everyone.

Article 2. They recognize that all human rights must be enforceable and reaffirm their commitment to respect and command respect for human rights and the fundamental freedoms set forth in international instruments and in national legislations, and to adopt the necessary legal and administrative measures to prevent and investigate actions that may constitute violations of human rights, to ensure the effectiveness of constitutional and legal remedies, to try and punish those responsible for the violations and to grant full relief to the victims, according to law.

Article 3. They affirm the principle that all human rights and fundamental freedoms are universal, indivisible, interdependent and interconnected and that, consequently, the application, promotion and protection of civil and political rights as well as economic, social and cultural rights and the right to development must receive equal and decisive attention.

Article 4. Within the framework of respect for Human Rights, they reiterate the obligation and commitment of subregional states towards the preservation, protection and defense of democracy, as established among other instruments in the Riobamba Charter of Conduct, the Additional Protocol to the Cartagena Agreement "Commitment of the Andean Community to Democracy" and the Inter-American Democratic Charter.

Article 5. They reiterate the will of the Andean Community Member States to accept the decisions of the Inter-American Human Rights Court. Furthermore, to take a constructive attitude to favorably accept the decisions and recommendations of regional and global non-jurisdictional mechanisms, when applicable, pursuant to relevant human rights treaties and constitutional provisions.

Article 6. They ratify their commitment to promote conditions favorable to universal observance and strengthening of systems for the protection of human rights, through signature, ratification and/or accession to international human rights instruments, and harmonization between national legislations and international rules on the subject of human rights.

Article 7. They emphasize the need to promote the participation of civil society in the preparation and execution of Member States' national action plans and programs in favor of the observance of human rights.

Article 8. They declare that every person, whether a national or a foreigner, found within the territory of the Andean Community Member States is entitled to all human rights and fundamental freedoms set forth in International Law on Human Rights and in pertinent national legislation.

Article 9. They recognize the right of everyone to file accusations, complaints or petitions concerning violations of human rights and fundamental freedoms before judicial organs, Ombudsmen and/or pertinent administrative echelons, and to be heard under the terms provided for in national legislations; furthermore, they reaffirm their commitment to support judicial organs and Ombudsmen within the sphere of their jurisdiction.

...

SECTION III

DEMOCRACY AND HUMAN RIGHTS

Article 13. The Andean peoples have a right to democracy and their governments have the obligation to promote and defend it, in order to achieve full exercise of all civil and political rights, economic, social and cultural rights, and the right to development.

Article 14. They reiterate their commitment to the contents of the Inter-American Democratic Charter and of Resolution 2002/46 of the United Nations Commission on Human Rights on "New measures to promote and consolidate democracy", especially regarding the essential elements of democracy: respect for human rights and fundamental freedoms, freedom of association, freedom of expression, of opinion, of access to and the exercise of power in accordance with the rule of law; the holding of periodic free, fair and impartial elections based on universal suffrage and secret balloting as an expression of the will of the population; a pluralistic system of political organizations and parties; the permanent, ethical and responsible participation of citizens in the political life of their countries; the separation and independence of powers; the transparency and accountability of public administration, and a free, independent and pluralistic press.

Article 15. They confirm their accession to the Commitment of the Andean Community to Democracy, signed in Porto in 1998, which is meant to become the Andean democratic clause.

Article 16. They commit themselves to uphold democratic order in the Andean region, convinced that the observance of democratic values ensures the interdependency and mutual reinforcement between democracy, development and the respect for human rights and fundamental freedoms.

Article 17. They reiterate their commitment to the Inter-American Democratic Charter (2001), affirm that the observance of democratic order is an indispensable guarantee for the effective exercise of human rights and fundamental freedoms and, consequently, undertake to adopt all possible measures to strengthen it.

Article 18. They recognize the right of every citizen, man or woman, of the Andean Community Member States to elect and participate in the elections of the Andean Parliament, which shall be held through free, direct and secret universal suffrage.

•••

K. Organization of Iberoamerican States (OEI)

40. *Declaración de Concepción*

VI CONFERENCIA IBEROAMERICANA DE MINISTROS DE EDUCACIÓN

"GOBERNABILIDAD DEMOCRÁTICA Y GOBERNABILIDAD DE LOS SISTEMAS EDUCATIVOS"

(Concepción, Chile 24 y 25 de septiembre de 1996)

(Excerpts)

Los Ministros y Ministras de Educación de los Países Iberoamericanos, convocados por el Ministerio de Educación de Chile y la Organización de Estados Iberoamericanos para la Educación, la Ciencia y la Cultura, nos hemos reunido en Concepción, Chile, los días 24 y 25 de septiembre de 1996, en el marco de la VI Conferencia Iberoamericana de Educación, con el fin de examinar las formas concretas en que la educación puede contribuir a consolidar la democracia y asegurar su gobernabilidad.

Nuestra propuesta es un aporte a la reflexión de nuestros Jefes de Estado y de Gobierno sobre **La Gobernabilidad para una Democracia Eficiente y Participativa**, y también, una exhortación a todos los sectores del ámbito político, social y educativo para que promuevan acciones destinadas a la integración de valores democráticos en el quehacer educativo.

La democracia, como forma de gobierno generalizada en la región, es la única adecuada para asegurar una convivencia pacífica y el pleno respeto a los derechos esenciales de las personas.

La consolidación de la democracia se está produciendo en nuestros países en un momento de transformaciones profundas en la economía, la sociedad, la cultura y la política, derivadas de un proceso de globalización que compromete al mundo entero.

La gobernabilidad presenta un triple desafío: la promoción y consolidación de un desarrollo socioeconómico equitativo, sostenido y sustentable; la profundización y ampliación de los procesos de integración regional y la inserción de nuestros países en un mundo de rápidas transformaciones tecnológicas y productivas.

Para asegurar la gobernabilidad democrática es esencial la recuperación de la política como dimensión constitutiva del ser humano en sociedad, como actividad noble y necesaria; en este sentido, el servicio público y la función pública deben recuperar prestigio, nobleza, respeto y cuidado, para que proyecten sobre la sociedad una imagen positiva y necesaria para el aprecio por la vida pública y por la política.

En este contexto consideramos que la educación debe contribuir de una manera esencial a la gobernabilidad democrática como factor de desarrollo, como agente de socialización de valores, como impulsora del ascenso y la promoción social de las familias y personas, y finalmente, como medio esencial de cohesión e integración socio-cultural.

La Educación para la Democracia: un compromiso de todos.

La educación debe contribuir al desarrollo preparando personas adecuadamente cualificadas, y formando ciudadanos arraigados en la cultura cívica democrática.

La educación para la democracia exige, por una parte, profesores y profesoras que no sólo transmitan sino que practiquen junto con los alumnos, los valores democráticos; por otra, que las familias participen en la formación para una ciudadanía democrática.

Es esencial el papel de los medios de comunicación social en el fortalecimiento de una cultura cívica que asegure la gobernabilidad democrática.

Es imprescindible la formulación de políticas de Estado que permitan concertar con los medios de comunicación estrategias de educación para la ciudadanía.

La educación democrática exige educar para fortalecer las instituciones, evitar la corrupción y otras conductas antisociales, como la evasión fiscal, que debilitan la democracia.

Hacer efectivo el ejercicio del derecho a una educación básica de calidad para todos es una condición para la gobernabilidad democrática. Por lo tanto, resolver los problemas de cobertura y de calidad de ese nivel constituye la más alta prioridad.

Es una necesidad que la educación media amplíe substancialmente su cobertura y mejore su calidad. Es urgente que se arbitren los medios que permitan el acceso a la educación superior de las personas con capacidad y mérito para ello, con independencia de su origen socio-económico.

Deben reforzarse las políticas de educación compensatoria dirigidas a los grupos más vulnerables de la sociedad de tal manera que la educación contribuya efectivamente a la superación de la pobreza.

La atención a las personas adultas es indispensable para contribuir a que hombres y mujeres desarrollen sólidos valores democráticos.

Asimismo es necesario dar los pasos para lograr el objetivo de una educación permanente.

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Propuestas de Acción

Las consideraciones anteriores hacen recomendable poner en práctica las siguientes acciones en orden al desarrollo de una educación para la democracia y la gobernabilidad de los sistemas educativos:

La educación para la democracia

Incorporar en el proyecto educativo objetivos y contenidos que desarrollen la cultura democrática en todos los niveles educativos para la formación de personas éticas, con conductas solidarias y de probidad.

Fortalecer y ampliar la enseñanza de la historia orientando su enfoque hacia el conocimiento, la comprensión y unión de los pueblos, para que contribuya a la cultura política de la sociedad, la interculturalidad y la propia identidad.

Favorecer la participación de estudiantes, familias y docentes en la tarea de concebir y poner en práctica programas educativos orientados a formar ciudadanos democráticos.

Promover la participación activa de los medios de comunicación en el fortalecimiento de una cultura cívica, que asegure la cooperación con el sistema educativo en una estrategia de educación para la ciudadanía.

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L. THE CENTRAL AMERICAN INTEGRATION SYSTEM (SICA)

41. Tegucigalpa Protocol to the Charter of the Organization of Central American States (ODECA)

(Excerpts)

The presidents of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama:

WHEREAS:

It is necessary to revise the legal framework of the Organization of Central American States (ODECA), adapting it to current realities and needs, in order to secure the effective attainment of Central American integration; and

Such adaptation must be geared towards the establishment and consolidation of the Central American Integration System, which will provide follow-up in respect of all decisions adopted at Meetings of Presidents and coordinate their implementation;

ACCORDINGLY:

Decide to amend the Charter of the Organization of Central American States (ODECA), signed at Panama City, Republic of Panama, on 12 December 1962, by means of this Protocol. To that end, the constitutional Presidents of the above Republics agree on the following Central American Integration System:

NATURE, OBJECTIVES, PRINCIPLES AND ENDS

Article 1

Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama constitute an economic and political community which seeks to promote the integration of Central America. To that end, the Central American Integration System is hereby constituted, comprising the original Member States of ODECA, and Panama, which is joining as a Member State.

Article 2

The Central American Integration System shall provide the institutional framework for the regional integration of Central America.

Article 3

The fundamental objective of the Central American Integration System is to bring about the integration of Central America as a region of peace, freedom, democracy and development.

To that end, the following objectives are hereby reaffirmed:

- (a) To consolidate democracy and strengthen its institutions on the basis of the existence of Governments elected by universal and free suffrage with secret ballot, and of unrestricted respect for human rights;
- (b) To define a new regional security model based on a reasonable balance of forces, the strengthening of civilian government, the elimination of extreme poverty, the promotion of sustained development, protection of the environment, and the eradication of violence, corruption, terrorism, and trafficking in drugs and arms;
- (c) To promote a comprehensive system of freedom that will ensure the full and harmonious development of the individual and of society as a whole;
- (d) To achieve a regional system of well-being and economic and social justice for the peoples of Central America
- (e) To achieve an economic union and strengthen the financial system of Central America;
- (f) To strengthen the region as an economic bloc to provide for its successful participation in the international economy;
- (g) To reaffirm and consolidate Central America's self-determination in terms of its external relations by means of a unified strategy to strengthen and broaden participation by the region as a whole in the international sphere;
- (h) To promote, in a harmonious and balanced manner, the sustained economic, social, cultural and political development of the Member States and of the region as a whole;
- (i) To carry out concerted action to protect the environment through respect for and harmony with nature, while ensuring balanced development and the rational exploitation of the natural resources of the area, with a view to establishing a new ecological order in the region;
- (j) To establish the Central American Integration System on the basis of an institutional and legal order and mutual respect between Member States.

Article 4

In order to attain the above objectives, the Central American Integration System and its Members shall proceed in accordance with the following fundamental principles:

- (a) The protection of, respect for and protection of human rights shall constitute the fundamental basis of the Central American Integration System;
- (b) Peace, democracy, development and freedom constitute a harmonious and indivisible whole which shall guide the acts of the States Members of the Central American Integration System;
- (c) Central American identity as an active manifestation of regional interests and of the will to participate in consolidating the integration of the region;
- (d) Central American solidarity as an expression of its profound interdependence, origins and common destiny;
- (e) The phased, specific and progressive nature of the process of economic integration, based on harmonious and balanced regional development, with special treatment for relatively less developed Member States, and on equity and reciprocity, and the Central American Exception Clause;
- (f) The comprehensive nature of the integration process and the democratic participation therein of every social sector;
- (g) Legal certainty with respect to relations between the Member States and the peaceful settlement of their disputes;
- (h) Good faith on the part of the Member States in the discharge of their obligations; Member States shall abstain from establishing, agreeing to or adopting any measure that contravenes the provisions of this instrument or that impedes compliance with the fundamental principles of the Central American Integration System or the attainment of its objectives;
- (i) Respect for the principles and norms of the Charters of the United Nations and the Organization of American States (OAS) and the Declarations issued at the Meetings of Presidents of Central America since May 1986.

MEMBERS

Article 5

The Members of the Central American Integration System shall be those Central American States that fully accept the obligations set forth in this Charter by means of their approval or ratification thereof or accession thereto, and that implement this Charter in accordance with the provisions of article 36 hereof.

Article 6

Member States shall undertake to abstain from the adoption of any unilateral measure that may endanger the attainment of the objectives and compliance with the fundamental principles of the Central American Integration System.

Article 7

The Prior Consultation procedure is hereby established as a permanent system between Member States for those cases in which no previous policy approach exists with regard to economic relations and cooperation between Central America and extraregional entities.

INSTITUTIONAL STRUCTURE

...

Article 9

The organs and institutions of the Central American Integration System shall be guided by the objectives and principles set forth in this protocol and shall have regard to such objectives and principles in their decisions, studies and analyses as well as in the preparation of all meetings.

Article 10

The organs and institutions of the Central American Integration system shall contribute to effective compliance with and implementation of the objectives and principles of this protocol. This obligation shall take overriding precedence in all supplementary or subordinate legislation, which shall guarantee in all cases that decisions shall be made public and that proceedings shall be open to those individuals concerned in accordance with the nature of each organ and institution and the matters in question.

...

42. Alliance for the Sustainable Development of Central America

Adopted at the Central American environment summit meeting for sustainable development, held in Managua, Nicaragua, on 12 and 13 October 1994.

I. INTRODUCTION

1. We the Presidents of the Republics of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama and the representative of the Prime Minister of Belize, meeting at the Central American Environment Summit for Sustainable Development, held in Managua, have agreed that prevailing circumstances in the region call for a new course of action, and we have accordingly decided to adopt an integrated strategy for sustainable development in the region.

2. As we stated in the Declaration of Guácimo, we have embodied this approach in a national and regional strategy that we have called the "Alliance for Sustainable Development", a comprehensive Central American initiative in the political, moral, economic, social and ecological fields which we have translated into a programme of action, hoping thereby to set an example for other regions.

3. The Alliance for Sustainable Development is an initiative involving short, medium and long-term policies, programmes and activities which marks a shift in our pattern of development, in our individual and collective attitudes and in local, national and regional policies and projects in so far as they affect the political, economic, social, cultural and environmental sustainability of societies.

4. The Alliance is a regional strategy for the coordination and sharing of interests, development initiatives and responsibilities and for the harmonization of rights. Its implementation is based on institutional structures; it does not replace existing regional integration mechanisms or instruments, but complements, supports and strengthens them both within and outside the region, especially in making sustainable development the central strategy and policies of States and of the region as a whole. With the Alliance, the commitments already entered into by states for the new process of sustainable development in Central America are confirmed and broadened.

5. In this quest for, and commitment to a pattern of sustainable development specific to the Central American community, we are taking responsibility for a better utilization and more efficient management of our region's resources.

6. In this context, we believe that the international community can and should contribute to sustainable development in Central America by changing its own attitudes, policies and course of action in respect of the region; this will place relations between the international community and the countries of the isthmus on an entirely new and mutually beneficial footing.

7. The Central American Council for Sustainable Development, the Alliance's executive authority, will promote and negotiate the conclusion of agreements designed to support sustainable development in Central America with countries, groups of countries and regions and with regional and international cooperation organizations with the consent and support of the institutions directly responsible at both the national and regional levels.

8. Central America will give concrete form to rights and responsibilities established in Agenda 21, adopted in Rio de Janeiro, in an endeavour to become a model of sustainable development for all countries; our guiding principles for the future will be respect for life in all its forms; continuous improvement of the quality of life; respect for the vitality and diversity of our earth; peace; participatory democracy; the observance, promotion and protection of human rights; respect for the multicultural character and ethnic diversity of our peoples; economic integration within the region and with the world outside; and the responsibility of succeeding generations for sustainable development.

II. CONCEPT OF SUSTAINABLE DEVELOPMENT

9. Given the specific features and characteristics of the Central American region, the concept of sustainable development to which we subscribe is as follows:

Sustainable development is a process of progressive change in the quality of life of the population, in which development will revolve around the human person, who will be its prime beneficiary; it will be accomplished through economic growth with social equity and the transformation of production methods and consumer patterns, and will be based on preserving the ecological balance and the region's life-giving resources. This process implies respect for regional, national and local ethnic and cultural diversity, and strengthened, full participation by citizens living together peacefully and in harmony with nature, without jeopardizing the quality of life of future generations; on the contrary, guaranteeing its wholesomeness.

III. PRINCIPLES OF THE ALLIANCE FOR SUSTAINABLE DEVELOPMENT

10. The seven basic principles to which we Central Americans are subscribing with a view to achieving sustainable development are set out below. These principles will prevail in all policies, programmes and activities promoted separately or jointly by States and by civil society to fulfil their basic common goals and commitments.

A. Respect for life in all its forms

11. The foundation of life is an ethic and a scale of moral values based on respect, personal responsibility and consideration for other living beings and the earth. Sustainable development will not be achieved at the expense of other groups or of future generations, nor will it threaten the survival of other species.

B. Improvement of the quality of human life

12. The aim of sustainable development is to improve and guarantee the quality of human life. This will make it possible for individuals to develop their potential and to live lives of dignity and accomplishment. To achieve this, it is imperative to provide security through human development, fostering participatory democracy, respect for cultural pluralism and ethnic diversity, access to education and promotion of technical and vocational training that will further economic growth with equity.

C. Sustainable utilization and respect for the earth's vitality and diversity

13. Local, national and regional development will be based on the sustainable utilization and management of the earth's resources and on protection of the structure, functions and diversity of natural systems, on which the human species and other species depend. To that end, appropriate action will be taken to:

(a) Preserve the systems that sustain life and the ecological processes that determine climate and air and water quality, regulate the flow of waters, recycle essential elements, create and generate soil and enable ecosystems to renew themselves;

(b) Protect and conserve the biodiversity of all species of plants, animals and other organisms, of genetic stocks within each species and of the range of ecosystems;

(c) Ensure the sustainable utilization of natural resources, especially the soil, wild and domesticated species, woodlands, cultivated land and marine and freshwater ecosystems.

D. Promotion of peace and democracy as basic forms of human coexistence

14. Political freedom, the observance, protection and promotion of human rights, the fight against violence, corruption and impunity, and respect for valid international treaties are all essential elements in the promotion of peace and democracy as basic forms of human coexistence.

15. Peace and democracy are strengthened through popular participation. Accordingly, sustainable development requires the reinforcement of democratic institutions and the mechanisms of participation and the rule of law.

E. Respect for the multiculturalism and ethnic diversity of the region

16. The Central American countries are in many ways societies shaped by ethnic and cultural diversity, and this represents a great treasure that must be preserved by creating conditions allowing all forms of cultural expression to develop freely, especially indigenous cultures - that of the aboriginal inhabitants - which have been relegated to inferior status as a result of the Conquest and colonization. The right to cultural identity is a fundamental human right and the basis of coexistence and national unity.

17. Indigenous peoples are generally to be found in the areas of greatest biological diversity, and in some cases their lifestyles are in harmony with the preservation of the natural environment. The indigenous conception of the world is supportive of that objective because it perceives nature as inseparable from humans.

18. Consequently, respect for ethnic diversity and the development of indigenous cultures, an objective in itself, is also respect for the natural world. However, if respect for the environment is to become a consistent practice, conceptions must be implemented by sustainable development options accessible to people.

19. Respect for ethnic diversity can exist only where there is peace and democracy and easy access to opportunities for sustainable development.

F. Achieving a greater degree of economic integration among the countries of the region with the rest of the world

20. As part of a globalizing trend, the benefits of free trade must be within reach of the entire region; specifically, the more developed countries must advocate and pursue policies enabling the region to create a wide free trade and economic integration zone as soon as possible, to which the Central American countries will have access on appropriate terms and in a manner that will safeguard the specific characteristics of their development stages.

G. Intergenerational responsibility for sustainable development

21. The strategies, policies and programmes of States will promote sustainable development and the well-being of current and future generations by fostering a better

life for human beings in the political, economic, social, cultural and environmental domains.

IV. FOUNDATIONS OF THE ALLIANCE FOR SUSTAINABLE DEVELOPMENT

22. Sustainable development is an integrated approach to development which calls for simultaneous efforts in the four areas on which this Alliance is based in the interest of balanced progress.

23. Democracy, characterized by popular participation in decisions affecting society, requires that public policies and patterns of production and coexistence should be wide-ranging and participatory. Moreover, the struggle against poverty cannot be won unless there is economic growth, and it can only be achieved by improving the quality of human resources and the economic opportunities open to the disadvantaged through social policy.

24. Democracy and economic and social development are not sustainable without conserving the environment and natural resources, which goes to show once again that the element added by the sustainable development approach is its emphasis on simultaneous efforts to achieve democracy, economic growth with equity, social development, the sustainable management of natural resources and improved environmental quality.

A. Democracy

25. Democracy, as a basic form of human coexistence, and sustainable development are closely linked. Only in a democratic and participatory society governed by the rule of law will Central America achieve well-being and justice.

26. Support for the consolidation of democracy and the protection and full guarantee of human rights is an expression of respect for human dignity, and therefore constitutes one of the pillars of sustainable development.

27. Decentralization and deconcentration of the political, economic and administrative activity of the State are factors making that feasible, as are the strengthening and consolidation of democratic institutions, local administrations and municipal governments, as well as non-governmental and community organizations.

28. The firm and lasting peace that will emerge from this model of human coexistence will make it possible to achieve sustainable development, which requires harmonious relationships among people and between people and the natural environment.

B. Social and cultural development

29. The major challenge facing society is to eradicate extreme poverty in our countries. Poverty is not only proof of a serious state of backwardness, but also a manifestation of inequality, an obstacle to peaceful conciliation and national integration and a potential threat to democratic coexistence and a firm and lasting peace.

30. Social development as a component of sustainable development in Central America is based on the criteria of subsidiarity, solidarity, shared responsibility, self-management and satisfaction of the basic needs of the population, as well as on community empowerment and participation.

31. Communities and community organizations, intermediate institutions and local governments will shoulder the major responsibility. The success of sustainable development in the region depends on establishing and strengthening the municipal structures in charge of community organization and participation and decentralized social services with broad participation of the beneficiaries.

32. The focus will be on:

(a) Investment in human resources. To that end, priority will be given to fundamental education, preventive health care, environmental sanitation and training and skills-building;

(b) Implementation of programmes in support of families and vulnerable groups in order to foster the integrated development of children, adolescents, the elderly and women;

(c) Improved access of low-income groups to social services and to the social and economic infrastructure;

(d) Increased opportunities for access to employment, the objective being to establish conditions that will generate productive activities by easing credit for small- and medium-sized enterprises, providing technical assistance and improving economic opportunities for the neediest.

33. The development of public awareness of the importance of promoting sustainable development will be a key factor.

34. Respect for all forms of life and for its natural foundation - the land - implies a set of values conducive to the development of a national identity in the context of cultural pluralism and ethnic diversity. Furthermore, sustainable development generates attitudes, habits and lifestyles that strengthen solidarity and with it, identity. Due attention will be devoted to making the most of the cultural and historical heritage of the region and its natural endowments in the interest of promoting sustainable economic and social activities, and creativity will be encouraged in the arts, science and technology.

C. Sustainable economic development

35. The sustainable economic development of Central America is based on liberty, dignity, justice, social equity and economic efficiency.
36. The rational and efficient administration of macroeconomic and sectoral policies, as well as the application of clear, relevant and consistent rules, are indispensable prerequisites for achieving and maintaining economic and social stability. Our future socio-economic order combines all that is essential for the peaceful coexistence of the elements of society and for creating a people-oriented economy with a built-in cost/benefit factor and factors relating to the deterioration of the environment and the rational utilization of natural resources.
37. The improvement of the economic infrastructure, especially in the areas of electric power, telecommunications and transportation, is another essential component, not only for increasing the productivity of the region's economies, but also for stimulating economic activity generally.
38. The vulnerability of the region's economies, which are dependent on the export of a limited number of primary commodities, is reflected in the persistence of a substantial trade deficit. Consequently, our products must have greater access to the industrialized nations.
39. The burden of the debt and debt-servicing has seriously limited our countries' ability to accelerate growth and eradicate poverty; a lasting solution to the external debt problem must be found as soon as possible if we are to energize development.
40. The financial strategies necessary to ensure the availability of resources for sustainable development from internal as well as external sources will be worked out. Along these lines, consideration could be given - consistent with the circumstances of each country - to the forgiveness, conversion and rescheduling of bilateral and multilateral debts, and the establishment of revolving funds and trust funds, as well as to the restructuring and reallocation of national budgetary resources, giving priority to sustainable development goals and bringing security and defence spending into line with the realities of each country and the climate of peace that is making headway in the region.
41. The regional model of sustainable development is encouraging the growing participation of the private sector and the full development of its creative capacity. It is aimed at promoting direct investment by, inter alia, providing services to the neediest groups as a means of augmenting productivity and competitiveness, as well as mitigating poverty.
42. Furthermore, initiatives will be taken for the rational utilization of renewable energy sources, promoting trade and sustainable productive investment, stimulating

savings, de-bureaucratizing public administration, supporting research and development of clean technologies by setting up research centres for the development of technical environmental standards at the Central American level and certifying the environmental quality of our export products. All those initiatives will contribute to the industrial conversion process under way in the region and will use sustainable production methods that incorporate preventive measures and not reactive measures like periodic environmental impact evaluations.

43. At the same time, human resources development is a basic prerequisite for increasing productivity and an important vehicle for greater social equity. To that end, special emphasis must be placed on investment in education and health, especially for the neediest groups, as a means of increasing productivity, improving competitiveness and reducing poverty in the region.

44. A dynamic balance must be established between the preservation and protection of the environment and the development of tourism in the region, with due respect for the natural and cultural heritage of our peoples.

45. The strengthening and consolidation of Central American commitments to integration are basic to improving the quality of life of the population, increasing interregional trade, opening new markets, and bringing Central America into the world economy.

46. When it joins that economy, all countries will have to abide by the commitments that they have undertaken to restrain protectionism and provide even greater access to markets, especially in sectors of interest to developing countries. Improving market access for commodities is therefore urgent, particularly by gradually eliminating barriers to the importation of primary commodities and manufactured goods from the Central American countries, and by a substantial, phased reduction of such supports as production and export subsidies that encourage the production of non-competitive goods.

D. Sustainable management of natural resources and improvement of environmental quality

47. The depletion and deterioration of the renewable base of natural resources is a problem for future development in Central America. The pollution of water, air and soil has spread rapidly in the region and will probably continue unless current development and industrialization processes are redirected. The principal threat lies in the loss of forests and in the reduction and deterioration of the water flow and its quality, which is also one of the major causes of illness and death, above all in marginalized populations.

48. The sustainable management of natural resources and the improvement of environmental quality are mechanisms for protecting the ecological processes and the genetic diversity essential for the maintenance of life. Moreover, they contribute to the ongoing effort to preserve biological diversity and protected areas, control and prevent

water, air and soil pollution, and allow for the sustained utilization of ecosystems and the rehabilitation of those that have deteriorated.

49. In order to ensure that the conservation of the human environment will be a means of making sustainable development feasible and giving it momentum, the countries of the region have committed themselves to designing policies compatible with internal and external legislation in the areas of land management, energy, transportation, human settlements and population, forests and biological diversity, and control and prevention of air, water and soil pollution, among others.

50. In view of the serious situation facing the countries of Central America, it is imperative to formulate a policy and master plan for energy generation, marketing and consumption that encourages the use of renewable and alternative energy sources, energy-efficient programmes, and a common electric power network in Central America.

V. GENERAL OBJECTIVES OF THE ALLIANCE FOR SUSTAINABLE DEVELOPMENT

51. The general objectives of the Alliance are:

(a) To turn the isthmus into a region of peace, freedom, democracy and development by promoting changes in individual and social attitudes conducive to the building of a model of sustainable development in the political, economic, social, cultural and environmental spheres within the framework of Agenda 21;

(b) Sustainable integrated land management to ensure that the region's biodiversity is preserved for our benefit and for that of humankind;

(c) To make the international community aware of the scope of the alliance and of the importance of and mutual benefit to be derived from support for this sustainable Central American model;

(d) To promote conditions that permanently enhance society's capacity for and participation in improving the present and future quality of life;

(e) These objectives are set out in an annex that forms an integral and inseparable part of the Alliance for Sustainable Development.

VI. INSTRUMENTS OF THE ALLIANCE FOR SUSTAINABLE DEVELOPMENT

A. National Council for Sustainable Development

52. The Governments have agreed to set up national councils for sustainable development representing the public sector and civil society.

53. The areas of activity and responsibility of the national councils for sustainable development in the individual countries shall be such as to maintain the cohesion of national policies, programmes and projects and their consistency with the sustainable development strategy.

B. Central American Council for Sustainable Development

54. There is established a Central American Council for Sustainable Development, which shall be composed of the Presidents of Central America and the Prime Minister of Belize, who may delegate their representation.

55. The Council shall adopt and implement its decisions, commitments and other agreements relating to sustainable development through the Central American organizations and institutions. The Council of Ministers for Foreign Affairs, together with the Minister for Foreign Affairs of Belize, shall be the body responsible for coordinating presidential decisions. It shall be assisted by the General Secretariat of the Central American Integration System (SICA) operating in close conjunction with the technical secretariats of the regional subsystems and entities.

56. The Central American Council for Sustainable Development shall introduce mechanisms to ensure the participation of civil society in the entire process of sustainable development, in particular the Consultative Committee referred to in the Tegucigalpa Protocol.

We adopt this Alliance for Sustainable Development in the city of Managua, Republic of Nicaragua, on 12 October 1994.

Appendix

Specific aims of the Alliance for Sustainable Development

A. Political aims

1. To support the peace and reconciliation processes in the countries of the region.
2. To promote full enjoyment of human rights.
3. To strengthen the rule of law and democratic institutions.
4. To counter corruption and impunity.

5. To enhance municipal administrative and managerial capacity to deal directly with the problems of individual localities.
6. To streamline the machinery for political and electoral participation.
7. To support various forms of community organization that preserve national identity in a context of cultural pluralism and ethnic diversity.
8. To tackle the causes of violence and crime, including drug trafficking.
9. To modernize public institutions in the interest of greater efficiency.

B. Economic aims

1. To promote a strategy of sustainable development and of internal and outward-oriented integration, based on expansion of the internal market and promotion of domestic and foreign investment.
2. To promote policies aimed at scaling down intraregional imbalances that affect sustainable development in the region.
3. To boost economic growth rates in order to eliminate poverty and thereby ensure the social and political sustainability of the processes of economic liberalization and democratization in the countries of the region.
4. To seek joint solutions to the problem of the external debt.
5. To coordinate macroeconomic and sectoral policies on a regional basis.
6. To stimulate investment and sustainable production processes.
7. To promote a wide-ranging study and discussion on the economic and institutional reforms that need to be instituted by the countries of Central America in preparation for the joint negotiation of a free trade and investment treaty with the countries of the hemisphere.
8. To promote the generation and transfer of clean technologies in order to raise productivity, develop environmentally friendly technical standards and stimulate environmentally sound production.
9. To promote and develop ecologically sustainable tourism.
10. To formulate policies designed to rationalize and stimulate agricultural activities that help to foster rural development, boost intraregional trade in agricultural produce,

guarantee food security and increase and diversify exports, forging stronger links between the chains of production, trade and services.

11. To encourage the incorporation of science and technology in the productive process through improved human resources technological training, the strengthening and establishment of technological innovation centres, and the development of "enterprise incubators" and technological packages.

12. To promote the reconstruction, rehabilitation and modernization of the regional infrastructure, especially transportation, telecommunication and energy equipment, with a view to enhancing the efficiency and competitiveness of the productive sectors at the national, regional and international levels.

C. Social aims

1. To eliminate de facto or de jure discrimination against women in order to improve their social standing and quality of life.

2. To reduce extreme poverty, especially through job creation.

3. To ensure appropriate reintegration of refugee, displaced and uprooted population groups in a safe and stable Central American environment so that they can enjoy all civil rights and improve their quality of life with equal opportunities.

4. To incorporate the criteria of subsidiarity, community solidarity, shared responsibility and self-management in policies designed to alleviate poverty through development, community participation and economic and administrative decentralization and deconcentration of State structures.

5. To accord priority to investment in the individual with the aim of achieving well-rounded human development.

D. Cultural aims

1. To stimulate a life ethic that promotes and strengthens sustainable development.

2. To reinforce the development of national identity in a context of cultural and ethnic diversity.

3. To promote, protect and make appropriate use of the cultural and natural heritage.

4. To encourage forms of cultural expression that are environmentally friendly.

5. To promote education for the care and sustainable use of natural resources.

6. To promote the restitution and return of illicitly exported cultural property.

E. Environmental aims

1. To coordinate and update environmental parameters, legislation and the competent domestic institutions.
2. To reduce levels of air, water and soil pollution that adversely affect the quality of life.
3. To protect, understand and use the region's biodiversity, promoting, inter alia, the development of biological corridors and protected areas, biodiversity centres and biological gardens.
4. To enhance the capacity for the regulation, monitoring and implementation of environmental standards and the classification of environmental offences.
5. To promote awareness and participation of society in environmental protection through the incorporation of environmental considerations in formal and informal education systems.
6. To bring about a steady decline in the rate of deforestation and concurrently promote reforestation and productive forestry activity at the regional level.
7. To ensure proper management of water catchment areas in order to guarantee the availability of water resources for various uses in terms of quality and quantity.
8. To promote the regional discussion of common policies on new environmentally friendly products, green labels and environmental impact studies.
9. To promote sustainable development projects in frontier zones.

43. Framework Treaty on Democratic Security in Central America
(Excerpt)

The Governments of the Republics of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama, hereinafter referred to as "the Parties",

WHEREAS

The fundamental objective of the Central American Integration System and of the Alliance for Sustainable Development is to bring about the integration of Central America in order to strengthen it as a region of peace, freedom, democracy and development;

One of the purposes of the Central American Integration System, as set forth in the Tegucigalpa Protocol, is to attain the sustainable development of Central America, which presupposes defining a new, unique, comprehensive and indivisible regional security model inspired by the region's achievements during its intensive process of pacification and integration;

The countries of Central America have reaffirmed their commitment to democracy on the basis of the rule of law and the guarantee of fundamental freedoms, economic freedom and social justice, and of support for a community of democratic values among States linked by ties of history, geography, brotherhood and cooperation;

The sustainable development of Central America can be achieved only by forming a regional legal community that protects, safeguards and promotes human rights and guarantees legal security, ensuring peaceful and integrative relations among the States of the region;

Situations which disturb the peace and affect the security of any of the Central American States also affect all the States of the region and their people;

The fact that their objectives coincide with regard to consolidating democracy is not incompatible with recognition of the specific features of each country of the region, including the special situation of those that have decided to eliminate their armies or maintain them permanently in accordance with their constitutions;

In recent years, as peace and democracy have been consolidated, the Central American countries have made significant advances in achieving these objectives, through demobilization and the reduction of military troops and budgets, the separation of police functions from those of national defence, the elimination of obligatory military service or, where appropriate, the adoption of a voluntary service, efforts and actions to

intensify the struggle against impunity, terrorism and drug trafficking, and the growing professionalization of public security forces, among other aspects;

The Central American Democratic Security Model is based on the supremacy and strengthening of the power of civil society, a reasonable balance of forces, security of individuals and their property; the elimination of poverty and extreme poverty, the promotion of sustainable development; protection of the environment; and the eradication of violence, corruption, impunity, terrorism, and trafficking in drugs and arms. In addition, the Central American Democratic Security Model will increasingly channel its resources into social investment;

In order to achieve the objectives and observe the principles set forth above, it is essential to continue the present efforts and to adopt a framework legal instrument that will allow for the full development of all the aspects of the new Democratic Security Model which will confirm the validity of the progress made;

agree to sign this Treaty on Democratic Security in Central America, as an instrument supplementary to the Tegucigalpa Protocol.

TITLE I

RULE OF LAW

Article 1. The Central American Democratic Security Model is based on democracy and the strengthening of its institutions and the rule of law; on the existence of Governments elected by universal and free suffrage, with secret ballot, and of unconditional respect for all human rights in the States comprising the Central American region.

The fundamental purpose of the Central American Democratic Security Model is to ensure respect for and the promotion and safeguard of all human rights, and its provisions therefore guarantee the security of the Central American States and their people through the creation of conditions that allow for their personal, family and social development in peace, freedom and democracy. The model is based on the strengthening of the power of civil society, political pluralism, economic freedom, the elimination of poverty and extreme poverty, the promotion of sustainable development and the protection of the consumer and of the environment and cultural heritage; the eradication of violence, corruption, impunity, terrorism, and trafficking in drugs and arms; and the establishment of a reasonable balance of forces that takes into account the internal conditions of each State and the need for cooperation among all the Central American countries so as to ensure their security.

Article 2. The Central American Democratic Security Model shall be governed by the following principles in relation to this Title:

(a) The State ruled by law, which includes the supremacy of the rule of law, the existence of legal security and the effective exercise of civil liberties;

(b) The strengthening and constant improvement of democratic institutions in each of the States, in order to reinforce each institution within its own sphere of action and responsibility through a continued, sustained process of consolidation and strengthening of the power of civil society, restriction of the role of the armed and public security forces to their constitutional areas of competence, and promotion of a culture of peace, dialogue, understanding and tolerance based on shared democratic values;

(c) The principle of subordination of the armed forces, police and public security forces to the constitutionally established civilian authorities, chosen in free, honest and pluralistic elections; and

(d) The maintenance of a flexible and active dialogue and mutual cooperation on security in all its aspects in order to guarantee the irreversible character of democracy in the region.

Article 3. To ensure the security of the individual, the Parties agree that any action by the public authorities shall be taken within a framework of the respective legal system and in full respect for international human rights instruments.

Article 4. Each of the Parties shall establish and maintain at all times effective control over its military or public security forces by the constitutionally established civilian authorities; it shall ensure that these authorities fulfil their responsibilities in this framework; and it shall clearly define the doctrine, missions and functions of these forces and their obligation to act only in that context.

Article 5. Corruption, whether public or private, is a threat to democracy and the security of the people and States of the Central American region. The Parties undertake to make every effort to eradicate it at all levels and in all its forms.

In that context, the meeting of the State authorities of each of the Parties shall provide advisory assistance to the Security Commission in the design, establishment and implementation of regional programmes and projects for the modernization and harmonization of legislation, investigation, education and the prevention of corruption.

Article 6. The Parties shall make every effort to eradicate impunity. The Security Commission shall establish contacts with the relevant institutions and authorities in order to help elaborate programmes designed to harmonize and modernize the Central American criminal justice systems.

Article 7. The Parties recognize how important it is for their public authorities and military and public security forces to be guided in their actions by the principles and recommendations contained in the following United Nations General Assembly resolutions:

- (a) 40/34 Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power;
- (b) 43/173 Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment;
- (c) 45/113 United Nations Rules for the Protection of Juveniles Deprived of their Liberty;
- (d) 3452 (XXX) Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- (e) 34/169 Code of Conduct for Law Enforcement Officials;

together with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

Article 8. For the strengthening of democracy, the Parties reaffirm their obligation to abstain from providing political, military, financial or any other kind of support to individuals, groups, irregular forces or armed gangs which attack the unity and order of the State or advocate the overthrow or destabilization of the democratically elected Government of another Party.

In addition, they reiterate their obligation to prevent the use of their territory to organize or carry out armed actions, acts of sabotage, kidnappings or unlawful activities in the territory of another State.

Article 9. The Parties recognize the importance of the Treaty on Mutual Legal Assistance in Criminal Matters, signed at Guatemala City, Republic of Guatemala, on 29 October 1993 and the special nature of the constitutional provisions and treaties and conventions which confirm the right to asylum and refuge.

TITLE II

SECURITY OF INDIVIDUALS AND THEIR PROPERTY

Article 10. The Central American Democratic Security Model shall be governed by the following principles in matters relating to this Title:

- (a) Democratic security comprises an indivisible whole. A solution to the problems of personal security in the region will thus require a comprehensive and interrelated view of all aspects of sustainable development in Central America in its political, economic, social, cultural and ecological dimensions;

(b) Democratic security is inseparable from the human dimension. Respect for the essential dignity of individuals, improvement of their quality of life and full development of their potential are prerequisites for security in all its aspects;

(c) Humanitarian aid provided in solidarity in response to emergencies, threats and natural disasters; and,

(d) Consideration of poverty and extreme poverty as threats to the security of the people and the democratic stability of Central American societies.

Article 11. With the aim of contributing to the consolidation of Central America as a region of peace, freedom, democracy and development, the following objectives are established in this regard:

(a) To guarantee all the people of the region security conditions enabling them to participate in and benefit from national and regional sustainable development strategies through the promotion of a market economy allowing for economic growth with equity;

(b) To establish or strengthen operational coordination machinery for the competent institutions so as to increase the effectiveness of national and regional efforts to combat crime and all threats to democratic security necessitating the use of military, security or civilian police forces, such as terrorism, illicit arms trafficking, drug trafficking and organized crime;

(c) To strengthen cooperation, coordination, harmonization and convergence of policies to promote the security of individuals, as well as border cooperation and the deepening of the social and cultural links between the peoples of Central America; and,

(d) To promote cooperation between States to guarantee legal security in respect of individual property.

Article 12. The General Secretariat of the Central American Integration System shall be responsible for the organization and management of a Central American Security Index, and shall periodically report thereon to the respective Governments through the Central American Security Commission.

Article 13. The Parties undertake:

(a) To contribute to the regional promotion of all human rights and of a culture of peace, democracy and integration among all the people of Central America;

(b) To encourage a contribution by the mass media of the Parties to the aims provided for in the previous paragraph; and

(c) To encourage border development integration projects, in a spirit of Central American solidarity and democratic participation by its people.

Article 14. The Parties undertake to promote the professionalization and ongoing modernization of their public security forces with the aim of maximizing the scope and effectiveness of crime control and the protection of the rights enshrined in the internal legislation of each country.

They also undertake to launch the Central American Institute for Advanced Police Studies.

Article 15. The Parties recognize that poverty and extreme poverty undermine human dignity and represent a threat to the security of the people and the democratic stability of Central American societies, and accordingly undertake to give priority to initiatives to overcome the structural causes of poverty and to improve the quality of life of their peoples.

Article 16. The formulation of national budgets, in accordance with the circumstances of each country, shall be geared towards the social sector in health, education and other areas which contribute to improvements in the quality of life of the individual as well as of the most vulnerable segments of society.

Article 17. The Parties shall promote cooperation for the eradication of drug trafficking and illegal trafficking in precursors and related offences, in accordance with any relevant international, regional and subregional agreements to which they are parties or to which they might accede, in particular the Agreement establishing the Permanent Central American Commission for the Eradication of the Illicit Production, Traffic, Consumption and Use of Drugs and Psychotropic Substances. To this end they shall establish flexible and effective mechanisms for communication and cooperation among the competent authorities.

Article 18. The Parties undertake to prevent and combat all criminal activities having a regional or international impact, without exception, such as terrorism, sabotage and organized crime, and to prevent by all means within their territory the planning, preparation and execution of such activities.

To this end they shall strengthen cooperation and encourage the exchange of information among immigration and police agencies and other competent authorities.

Article 19. The Parties shall endeavour to initiate, if they have not already done so, the necessary formalities for approving, ratifying or acceding to the following international conventions:

(a) The 1963 Convention for the Suppression of Unlawful Seizure of Aircraft;

(b) The 1971 Convention to prevent and punish acts of terrorism taking the form of crimes against persons and related extortion that are of international significance;

(c) The 1971 Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation;

(d) The 1973 Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents; and

(e) The 1979 International Convention against the Taking of Hostages.

Article 20. The Parties undertake to take measures to combat activities by organized gangs engaged in internationally significant trafficking in persons in the region with the aim of finding comprehensive solutions to this problem.

Article 21. The Parties undertake to make all necessary efforts and to promote cooperation to guarantee protection of the consumer, the environment and the Central American cultural heritage, in accordance with any relevant international and regional agreements to which they are parties or to which they might accede, in particular the Agreement establishing the Central American Commission on Environment and Development. To this end they shall establish flexible and effective mechanisms for communication and cooperation in that regard among the competent authorities.

Article 22. The Parties recognize that effective cooperation in these areas requires them to initiate, if they have not already done so, the necessary formalities for approving, ratifying or acceding to international and regional conventions on the protection of the environment and cultural heritage.

Article 23. The Parties reaffirm their desire to reintegrate their refugee, displaced and uprooted populations returning voluntarily and peacefully to their respective territories so that they may have equal opportunities to enjoy all their rights and improve their quality of life, taking into account the internal situation of each State.

Article 24. The Parties undertake to adopt joint positions and strategies for the self-defence of their respective compatriots abroad in response to measures aimed at the repatriation or expulsion of their emigrant compatriots.

Article 25. The Security Commission, on the basis of proposals from competent regional organs and in coordination with them, shall formulate and submit recommendations to the respective sectoral and intersectoral councils on the following matters, inter alia:

(a) Strengthening of internal controls at their respective borders, ports and airports and in their airspace and territorial seas to allow detection of illegal trafficking in cultural property and facilitate its recovery, and to detect illicit trafficking in wood and species of flora and fauna; trafficking in and handling of toxic waste and hazardous substances; drug trafficking and related offences, in particular illegal trafficking in

precursors and the laundering of money and other assets; and hijacking of vehicles, ships and aircraft, without prejudice to regional machinery for the prevention and punishment of such offences;

(b) Establishment of criminal acts and harmonization and modernization of legislation on protection of the consumer, the environment and cultural heritage and other areas requiring such protection, with a view to attaining common security standards;

(c) Conclusion of agreements on matters covered by this Title; and,

(d) Promotion of cooperation and coordination between the courts and prosecuting authorities of the Parties, with a view to streamlining their activities in order to strengthen crime control.

...

M. MERCOSUR

44. Declaración Presidencial Sobre Compromiso Democrático en el Mercosur 25 June 1996

La República Argentina, la República Federativa del Brasil, la República del Paraguay y la República Oriental del Uruguay, en lo sucesivo denominadas "Las Partes",

REAFIRMANDO los principios y objetivos del Tratado de Asunción,

REITERANDO lo expresado en la Declaración Presidencial de Las Leñas, el 26 y 27 de junio de 1992, en el sentido de que la plena vigencia de las instituciones democráticas es condición indispensable para la existencia y desarrollo del MERCOSUR,

RECORDANDO que la solidaridad de los Estados americanos y los altos fines que ella persigue requiere la organización política de los mismos en base al ejercicio efectivo de la democracia representativa,

ACUERDAN lo siguiente:

- 1.- La plena vigencia de las instituciones democráticas es condición esencial para la cooperación en el ámbito del Tratado de Asunción, sus Protocolos y demás actos subsidiarios.
- 2.- Toda alteración del orden democrático constituye un obstáculo inaceptable para la continuidad del proceso de integración en curso respecto al Estado miembro afectado.
- 3.- Las Partes consultarán inmediatamente entre sí, en la forma que estimen apropiada, en caso de ruptura o amenaza de ruptura del orden democrático en un Estado miembro. Las Partes procederán igualmente, de forma coordinada, a efectuar consultas con el referido Estado miembro.
- 4.- En caso de que las consultas previstas en el párrafo anterior resulten infructuosas, las Partes considerarán la aplicación de las medidas pertinentes. Las medidas podrán abarcar desde la suspensión del derecho de participación en los foros del MERCOSUR hasta la suspensión de los derechos y obligaciones emergentes de las normas del MERCOSUR y de acuerdos celebrados entre cada una de las Partes y el Estado donde haya ocurrido la ruptura del orden democrático.
- 5.- Las Partes deberán incluir una cláusula de afirmación del compromiso con los principios democráticos en los acuerdos del MERCOSUR con otros países o grupo de países.

Hecha, el 25 de junio de 1996 en la localidad de Potrero de Los Funes, Provincia de San Luis, República Argentina.

45. Protocolo de Ushuaia Sobre Compromiso Democrático en el Mercosur, la Republica de Bolivia y la Republica de Chile.

24 July 1998

La República Argentina, la República Federativa del Brasil, la República del Paraguay y la República Oriental del Uruguay, Estados Partes del Mercosur y la República de Bolivia y la República de Chile, denominados en adelante Estados Partes del presente Protocolo,

REAFIRMANDO los principios y objetivos del Tratado de Asunción y sus Protocolos, y de los Acuerdos de integración celebrados entre el MERCOSUR y la República de Bolivia y entre el MERCOSUR y la República de Chile,

REITERANDO lo expresado en la Declaración Presidencial de las Leñas el 27 de junio de 1992 en el sentido de que la plena vigencia de las instituciones democráticas es condición indispensable para la existencia y el desarrollo del MERCOSUR,

RATIFICANDO la Declaración Presidencial sobre Compromiso Democrático en el MERCOSUR y el Protocolo de Adhesión a esa Declaración por parte de la República de Bolivia y de la República de Chile,

ACUERDAN LO SIGUIENTE:

ARTICULO 1

La plena vigencia de las instituciones democráticas es condición esencial para el desarrollo de los procesos de integración entre los Estados Partes del presente Protocolo.

ARTICULO 2

Este Protocolo se aplicará a las relaciones que resulten de los respectivos Acuerdos de integración vigentes entre los Estados partes del presente Protocolo, en caso de ruptura del orden democrático en alguno de ellos.

ARTICULO 3

Toda ruptura del orden democrático en uno de los Estados partes del presente Protocolo dará lugar a la aplicación de los procedimientos previstos en los artículos siguientes.

ARTICULO 4

En caso de ruptura del orden democrático en un estado parte del presente Protocolo, los demás Estados Partes promoverán las consultas pertinentes entre sí y con el Estado afectado.

ARTICULO 5

Cuando las consultas mencionadas en el artículo anterior resultaren infructuosas, los demás Estados Partes del presente Protocolo, según corresponda de conformidad con los Acuerdos de integración vigentes entre ellos, considerarán la naturaleza y el alcance de las medidas a aplicar, teniendo en cuenta la gravedad de la situación existente.

Dichas medidas abarcarán desde la suspensión del derecho a participar en los distintos órganos de los respectivos procesos de integración, hasta la suspensión de los derechos y obligaciones emergentes de esos procesos.

ARTICULO 6

Las medidas previstas en el artículo 5 precedente serán adoptadas por consenso por los Estados Partes del presente Protocolo según corresponda de conformidad con los Acuerdos de integración vigentes entre ellos, y comunicadas al Estado afectado, el cual no participará en el proceso decisorio pertinente. Esas medidas entrarán en vigencia en la fecha en que se realice la comunicación respectiva.

ARTICULO 7

Las medidas a que se refiere el artículo 5 aplicadas al Estado Parte afectado, cesarán a partir de la fecha de la comunicación a dicho Estado del acuerdo de los Estados que adoptaron tales medidas, de que se ha verificado el pleno restablecimiento del orden democrático, lo que deberá tener lugar tan pronto ese restablecimiento se haga efectivo.

ARTICULO 8

El presente Protocolo es parte integrante del Tratado de Asunción y de los respectivos Acuerdos de integración celebrados entre el MERCOSUR y la República del Bolivia y el MERCOSUR y la República de Chile.

ARTICULO 9

El presente Protocolo se aplicará a los Acuerdos de integración que en el futuro se celebren entre el MERCOSUR y Bolivia, el MERCOSUR y Chile y entre los seis Estados Partes de este Protocolo, de lo que deberá dejarse constancia expresa en dichos instrumentos.

ARTICULO 10

El presente Protocolo entrará en vigencia para los Estados Partes del MERCOSUR a los treinta días siguientes a la fecha del depósito del cuarto instrumento de ratificación ante el Gobierno de la República del Paraguay.

El presente Protocolo entrará en vigencia para los Estados Partes del MERCOSUR y la República de Bolivia o la República de Chile, según el caso, treinta días después que la Secretaría General de la ALADI haya informado a las cinco Partes Signatarias correspondientes, que se han completado en dichas Partes los procedimientos internos para su incorporación a los respectivos ordenamientos jurídicos nacionales.

HECHO en la ciudad de Ushuaia, República Argentina, a los veinticuatro días del mes de julio del año mil novecientos noventa y ocho, en tres originales, en idiomas español y portugués, siendo todos los textos igualmente auténticos.

N. THE RIO GROUP

46. Acapulco Commitment to peace, Development and Democracy

Acapulco, México, 29 November 1987
(Excerpts)

Los Jefes de Estado de los países miembros del Mecanismo Permanente de Consulta y Concertación Política: Argentina, Brasil, Colombia, México, Panamá, Perú, Uruguay, y Venezuela, reunidos en Acapulco, México, hemos dialogado en esta ciudad para examinar los grandes desafíos políticos y económicos que enfrentan nuestros países y procurar, sobre la base de las afinidades fundamentales que nos unen, respuestas que atiendan a las aspiraciones y legítimos requerimientos de progreso y bienestar de nuestros pueblos.

1. El criterio rector de nuestros trabajos partió de la coincidencia esencial de que es imperativo profundizar la concertación política entre nuestros gobiernos, a partir de la alentadora experiencia del Mecanismo Permanente de Consulta y Concertación Política y de su antecedente inmediato: la acción de los Grupos de Contadora y de Apoyo. Nos anima, decididamente, el reconocimiento de una comunidad de intereses, de una misma vocación de democracia con desarrollo, de justicia e independencia, de un sentimiento compartido de solidaridad con todos los pueblos de nuestra región: América Latina y el Caribe. Esta amplia convergencia de intereses nos lleva a concluir que el Mecanismo Permanente ofrece la oportunidad y el ámbito adecuados para que nos reunamos con una periodicidad anual.

2. La negociación internacional requiere la conformación de un poder conjunto de influencia y decisión. En consecuencia, sólo una mayor identidad y una mejor articulación de intereses de Latinoamérica y el Caribe reducirán la vulnerabilidad de la región ante los factores externos. Este propósito responde al avance histórico de nuestros pueblos, así como a un concepto de responsabilidad compartida en la solución de los problemas que afectan a la comunidad internacional.

3. Hacemos un llamado a los Jefes de Estado de los países industrializados para un diálogo político que permita superar los obstáculos al desarrollo, a la reordenación de la economía mundial y a la toma de decisiones en materia de paz y seguridad.

4. Imbuidos del ideal de unidad y democracia de nuestros pueblos, invitamos fraternalmente a los gobernantes de América a asumir, conjuntamente con nosotros, un compromiso renovado de integración y cooperación para el desarrollo que conduzca a una auténtica comunidad de todas nuestras naciones.

5. Nuestros pueblos manifiestan hoy una clara conciencia de la magnitud y naturaleza de los retos que enfrentan al interior de sus países, así como el proceso de su inserción en el ámbito internacional. De ahí que hayamos coincidido en el imperativo histórico de construir un proyecto común de desarrollo sustentado en la iniciativa y las capacidades propias, al igual que en la voluntad de impulsar el proceso de integración regional, el fortalecimiento de la identidad cultural y una presencia más efectiva de nuestros países en las relaciones internacionales.

6. Es necesario traducir en hechos la fuerza de nuestra solidaridad. De ahí que los ocho Jefes de Estado reunidos en Acapulco coincidamos en el propósito de contribuir a la definición de un proyecto de desarrollo de América Latina y el Caribe, cuya forja sea la concertación y la interacción para la paz, la seguridad, la democracia y el bienestar social. Las legítimas aspiraciones de progreso de nuestros pueblos así lo demandan.

...

SEGURIDAD DE NUESTRA REGION: PAZ, DEMOCRACIA Y DESARROLLO

21. Con el propósito de profundizar las acciones en favor del desarrollo con democracia, justicia e independencia, consideramos necesario afirmar el concepto de que la seguridad de nuestra región debe atender tanto a los aspectos de la paz y la estabilidad, como los que atañen a la vulnerabilidad política, económica y financiera. En este sentido, nos hemos visto comprometidos a concertar acciones para:

Estimular iniciativas en favor del desarme y la seguridad internacionales.

Alentar la confianza recíproca y soluciones propias a los problemas y conflictos que afectan a la región.

Contribuir, a través de la cooperación y la consulta, a la defensa, fortalecimiento y consolidación de las instituciones democráticas.

Impulsar y ampliar el diálogo político con otros Estados y grupos de Estados, dentro y fuera de la región.

Concertar posiciones con el propósito de fortalecer el multilateralismo y la democratización en la adopción de las decisiones internacionales.

Promover el establecimiento de zonas de paz y cooperación.

Fomentar los procesos de integración y cooperación para fortalecer la autonomía de la región.

Emprender una lucha activa y coordinada para erradicar la pobreza absoluta.

Reforzar la cooperación contra el narcotráfico, así como contra el terrorismo.

La paz en nuestra región está profundamente ligada al respeto a los principios de la libre determinación de los pueblos, la no intervención en los asuntos internos de los Estados, la solución pacífica de las controversias, la proscripción de la amenaza o del uso de la fuerza, la igualdad jurídica de los Estados y la cooperación internacional para el desarrollo.

23. La acción de los Grupos de Contadora y de Apoyo constituye una experiencia sin precedentes de concertación latinoamericana en materia de paz y seguridad regionales, que ha contribuido decididamente a la celebración del acuerdo alcanzado en Guatemala por los cinco Presidentes centroamericanos. Esquipulas II es la expresión soberana de la voluntad política de los países

centroamericanos para solucionar los conflictos por medio del diálogo, fuera de la confrontación Este-Oeste y con respeto a los intereses legítimos de los Estados. Se han dado importantes pasos en el proceso de cumplimiento de los compromisos asumidos, el cual ha avanzado prometedoramente y debe continuar recibiendo el más amplio respaldo de la comunidad internacional.

24. Expresamos nuestro reconocimiento a los gobiernos y sectores involucrados de las sociedades centroamericanas por estos importantes logros, que abren el camino de esperanza en el objetivo compartido de lograr una paz estable y la democracia en la región. En particular, destacamos los avances ya realizados en materia de reconciliación nacional, de amnistía de restablecimiento de libertades fundamentales y de constitución de un Parlamento Latinoamericano.

25. Somos plenamente conscientes de las enormes dificultades del cumplimiento integral y puntual de los acuerdos de Esquipulas, pero los progresos ya realizados nos animan a formular un ferviente llamado para que se continúe avanzando simultáneamente en todos los compromisos asumidos.

26. Seguiremos impulsando, activa y solidariamente, el proceso de negociación diplomática en su conjunto, afirmamos, en particular, la responsabilidad de nuestros gobiernos en la Comisión Internacional de Verificación y Seguimiento.

27. Formulamos un llamado a los gobiernos con intereses y vínculos en la región para que contribuyan genuinamente a este proceso y respeten los principios de no intervención y libre determinación que son fundamentales para una convivencia armónica entre los Estados centroamericanos.

El proceso de negociación en curso debe ser acompañado por un mejoramiento de la situación económica y social de los países del área. Por ello, hemos acordado respaldar la puesta en marcha de un programa internacional de emergencia de cooperación económica para los países centroamericanos que comprenda medidas para la reconstrucción de sus economías. Los lineamientos principales de nuestra participación en ese programa serían, entre otros:

I. Medidas para estimular el comercio intraregional centroamericano y el otorgamiento de facilidades para el acceso de exportaciones de esa área al mercado de nuestros países.

II. Fortalecimiento de la cooperación financiera entre nuestros países y los centroamericanos, incluyendo el aporte de recursos a sus organismos financieros, como el Banco Centroamericano de Integración Económica.

III. Apoyo a los esfuerzos para revitalizar el esquema de integración centroamericano.

IV. Proyectos específicos en las áreas de asistencia alimentaria de emergencia, identificación y ejecución de proyectos agropecuarios y agroindustriales, así como de capacitación de recursos humanos. Igualmente, se propondrá al Alto Comisionado de las Naciones Unidas para Refugiados, un programa integral de emergencia para refugiados y desplazados de la región.

29. En el anterior empeño, deberán participar todos los países comprometidos con la paz y el desarrollo, así como las instituciones de integración centroamericana, las regionales y los organismos económicos internacionales.

30. Reafirmamos, una vez más, que la paz y la estabilidad en Centroamérica son cuestiones prioritarias para nuestros gobiernos. Están en juego no sólo la consolidación de la democracia y el desarrollo con libre determinación de los pueblos centroamericanos, sino también los intereses nacionales de nuestros países.

31. Consideramos que el fiel cumplimiento de los Tratados del Canal de Panamá de 1977, que incluyen la entrega de ese canal al exclusivo control panameño, es de primordial importancia para la preservación de la paz y la seguridad en la región.

32. Reiteramos, asimismo, nuestro respaldo a los legítimos derechos de soberanía de la República Argentina sobre las islas Malvinas, y expresamos la necesidad de alcanzar una pronta solución de la disputa mediante negociaciones entre las partes.

33. Dejamos constancia de la trascendencia que tendrá la Declaración de la Zona de Paz y Cooperación del Atlántico Sur; aprobada por la Asamblea General de las Naciones Unidas, en el acercamiento de los pueblos latinoamericanos y africanos. Reafirmamos la necesidad de evitar la introducción de armas nucleares en la región y preservarla de las tensiones inherentes a la confrontación entre los bloques militares. alentamos la creación de mecanismos similares en el Pacífico Sur y en otras zonas de la región.

34. Reiteramos nuestra decisión de proseguir individual y colectivamente la lucha contra el narcotráfico en sus diversas manifestaciones,. Al propio tiempo, señalamos que este objetivo no podrá ser alcanzado si no se cuenta con la acción concertada de todos los Estados, especialmente con la de los países industrializados donde están localizados los mayores centros de consumo.

35. Apoyamos el diseño y ejecución de un plan regional que promueva una acción coordinada de nuestros países para erradicar la pobreza absoluta. En este sentido, reafirmamos nuestro compromiso de seguir impulsando medidas para mejorar la calidad de vida de los sectores más desvalidos.

36. El Parlamento Latinoamericano, cuyo Tratado de Institucionalización fue suscrito recientemente por nuestros gobiernos y los de otros países de América Latina y el Caribe, constituye una contribución significativa a la solidaridad y a la concertación entre los latinoamericanos. Tal iniciativa ha sido respaldada por nuestros ocho gobiernos, con el convencimiento que habrá de traducirse en un medio efectivo para fortalecer la democracia e impulsar la integración de la región.

47. Asunción Declaration

signed at the Eleventh Summit of Heads
of State and Government of the Rio Group, held in Asunción
on 23 and 24 August 1997

Shared principles and values

1. We, the heads of State and Government of the Permanent Mechanism for Consultation and Concerted Political Action - the Rio Group, meeting in the city of Asunción, Paraguay, on 23 and 24 August 1997, reaffirm the principles, objectives and values shared by the countries of Latin America and the Caribbean, which are aimed at ensuring peace and the common welfare, defending representative democracy and developing a joint strategy on the basis of cooperation and integration to improve the living conditions of our people in a context of respect for the sovereignty, self-determination and juridical equality of States.

2. Meeting again on the basis of these principles and objectives, we reaffirm our appreciation for the Rio Group's valuable support of regional integration, unity and solidarity, and we therefore renew the commitment and reaffirm the willingness of our Governments to strengthen the Rio Group as the most representative mechanism for consultation and concerted political action in the region, and an acknowledged representative of Latin America and the Caribbean in relations with other regions and countries.

3. On this occasion, we note with satisfaction the progressive fulfilment of the commitments made since the creation of the Mechanism, especially in promoting and coordinating actions to defend, strengthen and consolidate democracy in our region.

Challenges to the consolidation of democracy

4. As leaders who are committed to the full and unrestricted validity of institutions and the rule of law, we must promote initiatives that enable us to meet the current challenges and thereby effectively foster ethical values and democratic principles in society.

5. We agree that it is essential to encourage effective and responsible participation by citizens in public life, help strengthen political parties and promote civic organizations and their contribution to the discussion of issues of public interest, bearing in mind the diversity among them, on the basis of respect and pluralism. In this context, we consider it necessary to guide the efforts of citizens and authorities jointly to reach higher levels of transparency in public management, respect for democratic institutions and effective social participation.

6. We confirm our commitment to fight drug trafficking and related crimes, together with terrorism and corruption, which are scourges that threaten democratic stability and public safety, and our determination to promote and guarantee the full exercise of fundamental human rights.

7. We therefore undertake to continue to work together to prevent such crimes by constantly improving our national laws and judicial institutions, with special emphasis on prevention through education.

Education for democracy and guidelines for action

8. We are convinced that a renewed effort to promote complete, integrated and democracy-based education in Latin America and the Caribbean in a context of growing interdependence, technological development and globalization will help strengthen democratic civic culture on the basis of the full and effective enjoyment of human rights. We also express our support for values such as tolerance, solidarity, equity and respect for the diversity and cultural identity of our peoples, which will enable us to defend and consolidate democratic governance as a factor in the development and socialization of values, as a promoter of mobility and the social advancement of individuals and, finally, as an essential means of achieving cohesion and socio-cultural integration.

9. The Declarations of Bariloche and Viña del Mar, issued by the Fifth and Sixth Ibero-American Summits, respectively, are of special importance in this regard.

10. In this context, and in order to give greater impetus to democratic civic culture, we have agreed to adopt the following measures:

(a) To incorporate in national educational curricula the kind of objectives and content that will develop democratic culture at all levels, in order to bring up ethical individuals whose behaviour is characterized by solidarity and integrity. Therefore, the participation of teachers, families and students in designing and implementing curricula for the education of democratic citizens should be encouraged.

(b) To instruct the competent ministers to identify possible sources of cooperation, both regional and international, in the field of education for democracy. Consequently, special attention should be given to strengthening the dynamics of cooperation and sharing of existing experience in this area, as a basic factor in the full consolidation and deepening of democracy. In addition, suitable mechanisms will be established for implementing programmes aimed at improving training and encouraging exchanges among the youth and youth organizations in the region.

(c) To strengthen and expand the teaching of history, focusing it on the knowledge, understanding and unity of peoples, in order to enhance political culture, intercultural awareness and self-identity.

(d) To promote, within their fields of competence, the active participation of the mass media and media professionals in the region, in order to strengthen democratic civic culture by setting up new forms of cooperation and exchanges of experience.

(e) To formulate a joint proposal on education for democracy, with a view to the Second Hemispheric Summit, to be held in Chile in April 1998, where education will be one of the main agenda items. We also hope that the thinking of the Rio Group in this field will be of use in the discussions on the ethical values of democracy at the Seventh Ibero-American Summit, to be held in Venezuela.

Trade, development and integration

11. We reaffirm our belief that a sustained process of economic and social development is fundamental to democratic stability and will enable us to improve living conditions for our people. We also believe that trade is a basic element in the development of our people, which has benefited from the economic reforms implemented in the region; these reforms should be accompanied by policies designed to enable people to have a greater share in the fruits of economic growth.

12. We renew our commitment to achieving the effective implementation of the Declaration of Principles, the Plan of Action and the agreements of the Summit of the Americas on Sustainable Development, held in December 1996 in Santa Cruz de la Sierra, Bolivia, which represent an important hemisphere-wide contribution to the management of national and international efforts in this field, since they deal comprehensively with economic, social and environmental objectives. We therefore call on agencies, organizations and international financial institutions to continue to help promote the development of our countries.

13. We also draw attention to the programme adopted at the nineteenth special session of the United Nations to promote Agenda 21 of the Earth Summit, whose purpose is to avoid a setback in the fulfilment of the international community's commitment to sustainable development.

14. We agree with the principles of open regionalism in the framework of a free, non-discriminatory and transparent multilateral trade system, which favours the incorporation of our economies into the international economic system. In this context, we call on the countries members of the World Trade Organization (WTO) to abide by the Uruguay Round agreements of the General Agreement on Tariffs and Trade, so as to improve the operation of the multilateral trade system and thereby facilitate trade flows between our region and other countries.

15. We value the bilateral and subregional integration and free-trade processes that have been evolving in Latin America and the Caribbean. The progress made by the Southern Cone Common Market (MERCOSUR), the Andean Community, the Group of Three, the Central American Common Market, the Caribbean Community (CARICOM)

and other integration schemes is stimulating further development of free trade in the context of open regionalism.

16. We reaffirm our commitment to conclude negotiations on establishing a free-trade area of the Americas by the year 2005. To this end, we support the opening of negotiations at the Second Summit of the Americas, to be held in Santiago, Chile, in April 1998. We also agree to design a joint regional strategy in the next few months, in the framework of efforts towards a free-trade area, in order to ensure the success of the Santiago summit meeting.

17. We recognize the importance of protecting workers' rights and of the relationship between trade and the environment. However, we feel that these issues should be dealt with exclusively in the corresponding multilateral forums, namely, the International Labour Organization for labour-related matters and the Committee on Trade and Environment of the World Trade Organization (WTO) for environmental matters and international trade, as decided at the WTO meeting in Singapore in November 1996.

18. We consider it necessary to create suitable conditions for encouraging investment in the most depressed areas of the region, thereby promoting growth that is linked to human development.

19. We reiterate our satisfaction at the progress made with regard to integration in Latin America and the Caribbean, noting that integration should be regarded not only as a tool for promoting trade but also as a process for enhancing the harmonious development of the region as a whole, which will benefit all levels of society.

Summit of heads of State and Government of Latin American and the Caribbean and of the European Union

20. We confirm that the political dialogue between the Latin American and Caribbean region and the European Union for the past few years has helped lead to a better relationship between them and the creation of new cooperation mechanisms.

21. We also welcome the initiative of convening a summit meeting between the heads of State and Government of the countries of the European Union and those of our region. If this idea comes to fruition, it will represent a qualitative advance in the deepening of our bi-regional relations; joint preparation will therefore be required in order to define objectives and an agenda.

22. We renew our commitment to participate in the Seventh Ibero-American Summit, convened by Venezuela, to be held on 8 and 9 November 1997, in the belief that the debate on the ethical values of democracy will offer a significant opportunity to deepen and strengthen democracy in our countries.

Second hemispheric summit meeting

23. We attach great importance to the holding of the Second Summit of Heads of State and Government of the Americas, to be held on 18 and 19 April 1998 in Santiago, Chile, for we are certain that this meeting will further the achievement of definite, concrete progress towards cooperation and integration in the Americas.

24. We express our commitment to this valuable initiative, which is designed to strengthen hemisphere-wide dialogue and consultation, and we note the importance of the concerted efforts of the Rio Group in helping to ensure the success of this meeting.

Universal Congress on the Panama Canal

25. We reaffirm the importance of the Universal Congress on the Panama Canal, to be held from 7 to 10 September 1997 as a forum open to the entire international community; this meeting should serve as a consultation mechanism for specifically examining the role which the Canal should play in the twenty-first century and the plans for expanding its services which the Government of Panama is promoting through the Board of Directors of the Panama Canal Authority. We also express our belief that the results of the Congress will contribute to the growth of world trade and to economic growth within the region and will promote international cooperation on the basis of the principle that the Interoceanic Panama Canal will be open, on an equal and strictly neutral basis, to all the world's users and economies.

Reform of the United Nations

26. We recognize the importance of undertaking an institutional reform of the United Nations to ensure that its organs and working methods reflect the new realities of the international community and the appropriate role of Latin America and the Caribbean in the Organization.

Unilateral measures

27. We reiterate our firm rejection of the unilateral and extraterritorial application of national laws as being a violation of national sovereignty, a fundamental principle of international law and of the Charter of the United Nations. Measures of this type have a harmful impact on international relations, trade, investment and cooperation.

28. We instruct our ministers and representatives to continue to work jointly with respect to unilateral actions, focusing special attention on following up the progress made in this matter.

Illicit drug trafficking and related crimes

29. We reaffirm that the fight against drug trafficking requires a comprehensive approach and concerted action throughout the hemisphere, supported by international cooperation, in a context of shared responsibility among all the countries of the region. The fight against this scourge and related crimes should be carried on in accordance with

full respect for the laws of each country and on the basis of international conventions on the subject. Accordingly, we welcome the signing of a hemisphere-wide strategy to combat drug trafficking, through which the countries of the Americas have agreed to take specific measures to deal with this problem.

30. We express our concern that drug use and abuse have increased significantly throughout the world. We therefore believe a study of anti-drug strategies should be made in the context of the prevailing international instruments on the subject, using a comprehensive approach and placing special emphasis on demand-control programmes.

31. We also note with concern the increase in the manufacture and consumption of synthetic drugs, a phenomenon that deserves greater attention on the part of the intentional community.

32. We express our satisfaction at the work being done by the Ad Hoc Working Group on Drugs, which should continue its work until it has defined a joint position to be taken by the members of the Rio Group at the special session of the United Nations General Assembly on strengthening international cooperation on drug control, to be held in 1998. We believe that this Group should focus its attention on defining specific proposals and concrete actions to reduce the illicit demand for drugs in all countries, promote alternative crop-development programmes and devise formulas to combat money-laundering, illicit arms trafficking and the diversion of chemical precursors for illicit purposes.

33. We again stress the need to increase resources from bilateral and multilateral sources to finance alternative development programmes and projects, including in them the social and economic aspects of drug trafficking, in order to meet the needs of the communities involved in the growing of illicit crops.

Terrorism

34. We reaffirm the Group's position, and that of the 1996 Inter-American Specialized Conference on Terrorism, that terrorist acts are serious common offenses and a systematic and deliberate violation of individual rights.

35. We also recall the communiqué of 23 April 1997 from the Rio Group, which expresses our satisfaction at the release of the hostages in Lima, Peru.

36. In addition, we welcome the humanitarian efforts of the Government of Colombia, which culminated in the release of 70 Colombian soldiers by the guerilla group.

37. We undertake to strengthen the legal and political framework and to develop judicial cooperation mechanisms among our countries for the purpose of fighting terrorism more effectively.

Cooperation in efforts against corruption

38. We express our satisfaction at the entry into force of the Inter-American Convention against Corruption, which is the first international instrument designed to combat this offence through cooperation mechanisms that help defend our democratic institutions, and we reaffirm our political will to continue seeking further arrangements to keep up the fight against this scourge.

39. In this context, we underline the importance of the Eighth International Conference against Corruption, to be held in Lima from 7 to 11 September 1997.

International confidence-building and security

40. Determined to continue to make headway in consolidating the region as an area free of anti-personnel mines, we have agreed to participate actively in the Ottawa process for the prohibition of anti-personnel mines, and we undertake to work together to make our region the first region free of weapons of this type in the world.

41. We consider that Latin America and the Caribbean have an important role to play in the full and effective enforcement of the instruments regulating the possession, manufacture and transfer of weapons of mass destruction, and we reiterate our firm determine to keep our region free of weapons of this type, and of arms races.

42. We express our commitment to implement consultation and confidence-building measures, bearing in mind the need to strengthen political dialogue and cooperation in order to create conditions of greater transparency, stability and security, including a consultation process on the limitation and control of conventional weapons, as recognized in the Santiago Declaration on Confidence- and Security-Building Measures, adopted in November 1995.

43. We express our support for the goal of successfully concluding the present negotiations on a convention against the manufacture and illicit traffic in firearms, ammunition, explosives and other related matériel, so that this relevant inter-American instrument may be opened for signature in 1997 as a substantial commitment by all the countries of the Americas to fight organized crime, terrorism and violence, and we therefore hope it will come into force as soon as possible.

Migrant workers

44. We draw attention to the responsibility of countries of origin and host countries to strengthen cooperation on migrant workers. Accordingly, we urge the adoption of measures to ensure the full exercise of their human rights and their social and economic well-being.

45. We express our deep concern at the growing manifestations of racism, xenophobia and other forms of discrimination and inhuman or degrading treatment to which migrant

workers in some countries are subjected, and we therefore agree that there is a need to promote agreements to ensure respect for human rights and the dignity of all individuals.

46. We draw attention to the initiatives now being taken on this matter by the United Nations through resolutions adopted by the Commission on Human Rights and by the Organization of American States, and to any bilateral instruments that the States involved may establish.

The new international human order

47. We have exchanged views on the call for a new international human order on the basis of human-centred development, and we recognize that the concept places the well-being and social equity of peoples at the core of development, both nationally and internationally.

48. We take note of the CARICOM initiative aimed at the establishment of a regional integration fund in the context of negotiations on the proposed free-trade area of the Americas, as a mechanism to alleviate the problem of imbalances between the more developed countries and the smaller countries of the hemisphere.

International cooperation on Guatemala

49. The heads of State and Government of the countries members of the Rio Group welcome the fact that the Total Agreement on a Firm and Lasting Peace in Guatemala, signed on 29 December 1996, is being enforced under the established terms. Accordingly, we call on the international community and the international financial institutions to continue their support for the pacification process in Guatemala, particularly bearing in mind the sectors most affected by the conflict, and finding appropriate formulas to streamline assistance to this country and promote a greater flow of resources.

Tourism

50. We express our satisfaction at the growth of the tourism sector in our economies and its important contribution to the region in terms of employment, investment and integration among its peoples. We therefore support the efforts of the Tourism Commission of South America (COTASUR) to create a joint tourism promotion programme, together with the joint initiatives aimed at developing this important sector throughout Latin America and the Caribbean.

51. In view of the importance we attach to the defence of democracy, reform of the United Nations and unilateral measures, we have decided to include a specific declaration on each topic.

52. Our Ministries of Foreign Affairs shall be responsible for following up the decisions taken by the Rio Group through the secretariat pro tempore and the Troika.

53. We have agreed to hold the Twelfth Summit of Heads of State and Government in Panama City, Republic of Panama, on 4 and 5 September 1998.

54. We, the heads of State and Government meeting at Asunción, wish to express our thanks and congratulations to the President of the Republic of Paraguay, Juan Carlos Wasmosy, to his Government and to the people of Paraguay for their hospitality and for the excellent organization and conduct of the Eleventh Summit of the Permanent Mechanism for Consultation and Concerted Political Action.

DONE at Asunción, capital of the Republic of Paraguay, on 24 August 1997, in three original texts in Spanish, Portuguese and English, all texts being equally authentic.

48. Declaration on the Defence of Democracy

adopted on 24 August 1997 by the Eleventh Summit of Heads of State and Government of the Rio Group

1. We, the heads of State and Government of the Rio Group, have conducted an intensive exchange of views on the need to preserve and strengthen representative democracy, the value of which is shared by all its members, and the effective exercise of which constitutes an obligation for its member States.
2. We are convinced that representative democracy is the foundation of the legitimacy of political systems and an essential condition for the peace, stability and development of the region, and for the hemispheric integration process in which our countries are involved.
3. We agree that the elimination of extreme poverty, the achievement of social justice and the promotion of forms of civic participation, as well as the improvement of the living conditions and general well-being of our peoples, are permanent objectives of our countries which may be more easily achieved through cooperation and coordination among democratic Governments.
4. We reiterate that the promotion and observance of ethical values and respect for human rights are the foundation and raison d'être of the legitimacy of political systems, and that only democracy can effectively guarantee that they remain valid.
5. We reaffirm that any attack on the democracy of a country of the region constitutes an assault against the principles which underlie the solidarity of the States of the Americas.
6. Therefore, in the quest for the preservation of representative democracy and the full validity of institutions, we agree that, should circumstances arise in any of the member countries of the Rio Group which disrupt the rule of law or entail a breach of the constitutional order, the secretariat pro tempore will convene a meeting of the Ministers for Foreign Affairs to consider the situation.

49. Cartagena Commitment to Democracy

(XIV Summit of Heads of State and Government of the Rio Group, 2000)

The Heads of State and Government of the Rio Group, meeting in the city of Cartagena de Indias, on the occasion of the XIV Summit of Heads of State and Government of the Rio Group, reaffirm our unshakeable commitment to peace, strengthening of democracy and promotion of social and economic development of our peoples, as principles that guide the actions of our Governments, in both their domestic and international policies.

We reaffirm our firm conviction that democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing. As the new millennium unfolds, we reaffirm our intention to strengthen representative democracy as a system of government, promote its values as a way of life and defend the institution of democracy and the rule of law in Latin America and the Caribbean.

We wish to express, in particular, our commitment to periodic elections based on the principles of legality, transparency and equity and organized and sanctioned by independent organs of the State.

We also express our intention to improve the quality of our democratic institutions, through greater social integration and the effective, ethical and responsible participation of our citizens.

We believe that closer integration among our nations guarantees the strengthening of democracy and promotes peaceful coexistence in and among the nations of the hemisphere.

Cartagena de Indias, 16 June 2000

50. Declaración sobre Democracia

Los Ministros de Relaciones Exteriores del Grupo de Río:

1. Reiteramos el compromiso de nuestros Gobiernos con la Democracia y el Estado de Derecho en el contexto del "Compromiso de Cartagena con la Democracia" y valoramos positivamente la permanente colaboración que existe entre nuestros países para honrarlo.
2. Frente a los desafíos que han experimentado algunos países de nuestra región, reafirmamos la importancia de seguir cooperando estrechamente en el fortalecimiento, perfeccionamiento y actualización de las instituciones democráticas, incluyendo la plena independencia de los Poderes del Estado
3. Toda agresión a la democracia en un país miembro del Grupo de Río constituye un atentado en contra de los principios que fundamentan la solidaridad de los Estados americanos.
4. El Grupo de Río reconoce las valiosas gestiones desarrolladas por la Organización de los Estados Americanos en la consolidación y perfeccionamiento de las instituciones democráticas en la región, y particularmente aquellas desplegadas en respaldo de los esfuerzos del Perú para el restablecimiento de su democracia.

Santiago, Chile, 27 de marzo de 2001

51. The Cusco Consensus « Democratic Governance : Defence and Consolidation of Democracy », May 2003

The Cusco Consensus

We, the Heads of State and Government of the countries integrating the permanent mechanism for consultation and concerted political action, gathered in the city of Cusco from 23-24 May 2003, for the XVII Summit of the Rio Group;

Aware of the challenges in view of fast-changing developments in the regional and international situation since our last summit, we reaffirm our decision to confront these challenges, in a coordinated manner, through concrete actions to improve the lives of our peoples.

We renew our conviction that shared principles and consensus embraced represent the historical treasures we have accumulated since the inception of our mechanism, which has been progressively strengthened since the Rio Declaration of 1986;

We believe that the expansion and increase of poverty, caused by a new and prolonged period of economic stagnation, poses a fundamental threat to democratic governance, to the stability of its institutions and to social peace. This situation particularly has its most devastating effects on the most vulnerable groups of society, denying them the opportunity to use their productive potential in full;

In this sense, we identify as the main mission of the Rio Group the strengthening of democratic governance by creating consensus to consolidate the democratic institutional order and alleviate the vulnerabilities confronting the region. Therefore, we have given special treatment to two thematic axes: 1) the role of political parties in the strengthening of democratic institutionality and 2) the creation of innovative financial mechanisms designed to secure democratic governance and contribute to the alleviation of poverty.

Likewise, we deem indispensable to reinforce the Rio Group's initiative to support the multilateral system for peace, security and development based on strict compliance with international law and firm adherence to the aims and principles of the UN Charter.

We therefore adopt this Consensus, which represents the strategic agenda for the activities of the Rio Group drafted out of reflections on the situation of Latin America and the Caribbean from their own perspective. This focus will intensify the process of consultation and concerted action launched by the Rio Group on problems that affect the region and on how to strengthen our participation within the international system.

STRATEGIC AGENDA FOR THE RIO GROUP ACTION

(Excerpts)

...

Democratic Governance: Defense and Consolidation of Democracy

a) The Strengthening of Democracy and the Rule of Law

12. We reaffirm our commitment to consolidate and strengthen democracy, exercise its values, defend its institutions, as well as respect and promote human rights. We notice with satisfaction that our countries are currently experiencing the most extensive and deep process of democratization in their history. Never before did the region have so many democratically elected regimes nor as many consecutive democratic transitional governments.

13. We bear in mind that democracy and economic and social development are interdependent and mutually reinforced. To consolidate democratic institutionalism, our countries need to include the poorer segments of the population in the gains stemming from the economic management, while strengthening social cohesion and governance. Therefore, it is a high priority and responsibility of our governments to tend to these needs and provide a solution to social exclusion-related problems. However, the efforts of our governments require the support of the international system, by means of measures, such as opening up market access to products from the region and increasing the flow of investments to the region.

14. We realize that only democratic governments that have succeeded in achieving a high level of governance can tend to the legitimate social needs of our people. At the same time, the strengthening of the rule of law, access to an effective and impartial justice, the enforcement of human rights and the establishment of national consensus will secure a greater degree of effectiveness in democratic governance. Within this framework, we renew our firm commitment to the validity and full application of the Inter-American Democratic Charter as an instrument to promote the development and strengthen representative democracy and favor citizen participation.

b) Democracy and Political Parties

15. The process to consolidate democracy in the region demands that we continue to establish more efficient political systems. In this sense, we intend to proceed in our continuing effort to reform the State, improve the quality and transparency of the public administration, consolidate the legitimacy of its institutions and guarantee respect for human rights. Moreover, to favor citizen participation, promote education for citizenship and democracy, fight corruption and impunity, as well as lead to the reform and strengthening of public authorities, particularly of the Judiciary, all of which should be enshrined within a concept of interculturality.

16. Parties system and political parties, as well as movements and groups play a central role in democracy. Consequently, it is necessary to strengthen starting from the premise that there is no democracy without parties or parties without democracy, while understanding that social and popular organizations are an essential factor for democratic participation in the frame of the Constitution of each of our countries. On this basis, we commit ourselves to put forth our greatest efforts, and when possible in a concerted manner, in order to:

- a. Deepen and provide a platform for the development of dialogue and a consensus between political parties, movements and groups, as well as between them and the organized civil society.
- b. Develop democracy's participatory approach, within the framework of their respective constitutional requirements, as a core element of pluralism. In addition, the participatory approach of democracy helps to further enhance its representativeness.
- c. Promote partisan and electoral laws destined to ensure the commitment of political parties, as well as movements and groups to democratic institutionalism, while at the same time encouraging electoral participation.
- d. Secure the autonomy of political parties, movements and groups from the economic powers by means of norms that promote free and fair electoral contests, especially equal access to the communication media.
- e. Encourage financial transparency of political parties and movements as a fundamental aspect of public ethics and the fight against corruption.
- f. Promote inclusive political systems by encouraging, through the competent national instances, public financing of political parties, movements and groups, electoral campaigns, as well as limitations to electoral expenditure.
- g. Promote internal democracy in political parties, movements and groups, especially when nominating and running leaders and candidates for popular election.
- h. Promote equal opportunities for men and women and the elimination of all forms of discrimination, as well as develop youth's interest in politics. The latter to be understood as a free [and most needed] choice of the individual to intervene in public matters.
- i. Support political training programs and the preparation of leaders, particularly for women, youth, ethnic groups and marginalized populations, in terms of strengthening education for citizenship and democracy in all levels of social life and, especially, from school.
- j. Highlight the importance of strengthening democracy by exercising freedom of information, promoting ethical journalism and social responsibility, while simultaneously reinforcing the right to information and the right to reply by all political parties, movements and groups.

c) Innovating Financial Mechanisms to Strengthen Democratic Governance

17. We ratify the need to establish innovative financial mechanisms designed to strengthen democratic governance and confront poverty by raising new resources for productive investment and generation of productive employment in order to provide answers to our populations' legitimate social demands.

18. We consider that such mechanisms should be oriented to increase resources, enhance the use of available resources, consider different financial policies in order to improve the level of life of the population, through measures, such as the creation of a regional trust fund to encourage private investment projects for the development of public infrastructure works, the creation of regional investment authorities that provide financing for infrastructure that generate social impact and the establishment of international humanitarian fund, among others.

19. We deem indispensable that the various proposals presented by the countries members and international organizations regarding innovative financial mechanisms be analyzed and processed at the appropriate technical levels as soon as possible.

Guidelines:

- i) To invite the Latin American Parliament and subregional parliaments to develop and establish permanent cooperation bodies involving political parties and organizations of the countries members of the Rio Group, in collaboration with organizations committed to the development of democratic institutionalality and the strengthening of political parties.
- ii) To suggest to the above-mentioned parliamentary forums take time to review the Notice of Meeting of political parties, movements or groups representatives and civil society organizations representatives existing in the countries of the Rio Group, so that they identify formulas to encourage its strengthening and contribute to the democratic institutionalality of our region.
- iii) To request the Latin American Parliament to update the coming Rio Group Summit regarding the results of these efforts.
- iv) To instruct the Ministers of Finance to summon a group of high-level government experts to analyze, with the assistance of the pertinent international and regional organizations, existing proposals and new proposals that country members may formulate so that they may determine, within a period of 3 months, the viability of each proposal, actions to be taken and notify the Ministers of Finance so that they may decide on whether or not to negotiate said proposals within the appropriate international setting.

II. OTHER INTERGOVERNMENTAL ORGANISATIONS

O. ORGANISATION INTERNATIONALE DE LA FRANCOPHONIE (OIF)

52. Bamako Declaration

We, Ministers and Heads of Delegation of the States and Governments of Countries using French as a common language, meeting at Bamako for the International Symposium on the status of practices of democracy, rights and freedoms in the Francophone world,

Guided by the provisions of the Francophonie Charter, which defines as priority objectives assistance in the establishment and development of democracy, conflict prevention and support for the rule of law and human rights,

Recalling the Francophonie's dedication to the Universal Declaration of Human Rights and to regional charters, as well as the commitments made at the Francophone Summits of Dakar (1989), Chaillot (1991), Mauritius (1993), Cotonou (1995), Hanoi (1987) and Moncton (1999),

Situating our action within the framework of the United Nations Decade for Human Rights Education (1995-2004),

Considering the actions taken by the Francophonie in the last ten years to support the democratic processes,

Desirous of furthering democracy through economic and social development and fair distribution of national resources so as to ensure equal access to education, training, health and employment,

Seeking to fulfill the objective set at the Moncton Summit to hold an International Symposium on the status of the practices of democracy, rights and freedoms in the Francophone world, to strengthen cooperation and joint efforts to promote the rule of law and a democratic culture, and to open in this way a new stage in the dialogue between States and governments of countries using French as a common language, in order to better underline the major features of their recent experience and of their unique circumstances,

1 - Recognize

- That the status of the practices of democracy, rights and freedoms in the Francophone world over the past ten years reflects undeniable progress: human rights have been enshrined in constitutions, institutions of democracy and the rule of law have been established, counterbalances are making themselves felt, multiparty systems have emerged in many Francophone countries, free, fair and transparent elections have been held, the opposition is contributing to the workings of democracy, and local democracy has been furthered through decentralization;
- That the status also betrays shortcomings and failures: recurring conflicts, breakdown of democratic processes, genocide and massacres, serious violations of human rights, persistent behavior that undermines the development of a democratic culture, lack of independence for certain institutions, and constraints of an economic, financial and social nature that tend to disillusion citizens with the democratic system;

2 - Declare our adherence to the following fundamental principles:

1. Democracy is a system of universal values based on recognition of the inalienable dignity and the equal value of all human beings; everyone has the right to play an active role in social, professional and political life and to enjoy the right to development;
2. The essential elements of any democratic regime must include the constitutional rule of law, which implies submission of all institutions to the law, the separation of powers, the free exercise of human rights and fundamental liberties, and equality before the law for all citizens, men and women;
3. Democracy requires, in particular, the holding, at regular intervals, of free, fair and transparent elections, based on the respect and exercise, without any hindrance or discrimination, of the right to freedom and physical integrity for every voter and every candidate, the rights to freedom of opinion and expression, especially through the press and other communications media, freedom of assembly and demonstration, and freedom of association;
4. Democracy is incompatible with any substantial change in the electoral system introduced arbitrarily or surreptitiously, and there must be a reasonable interval between the adoption of any amendment and its entry into force;
5. Democracy presupposes the existence of political parties that have equal rights and are free to organize and to express themselves, provided their programs and actions do not call into question the fundamental values of democracy and human rights.

Thus, democracy goes hand-in-hand with a multiparty system. The opposition must be guaranteed a clearly defined status free of any ostracism⁸ ;

6. Democracy requires the practice of dialogue at all levels, between citizens, between social partners, between political parties, and between the State and civil society. Democracy implies participation by citizens in political life and allows them to exercise their right of control;

3 - Proclaim

1. That Francophonie and democracy are inseparable: strengthening the Francophone ideal will be impossible without steady progress towards democracy and its embodiment in reality; the Francophonie is, therefore, committed to democracy as a priority that must be translated into concrete proposals and achievements;
2. That for the Francophonie there is no single organizational scheme for democracy and that the forms in which democracy expresses itself, while respecting universal principles, must everywhere reflect people's specific historic, cultural and social realities;
3. That democracy, as the political framework for the rule of law and the protection of human rights, is the system of government that best promotes long-term stability and legal security; thanks to the climate of freedom that it creates, democracy also establishes the conditions for freely accepted mobilization on the part of the people to achieve development; democracy and development cannot be dissociated: these are the factors promoting a lasting peace;
4. That citizens, including the poorest and the most disadvantaged, will judge democracy by the care with which all of their rights, civil, political, economic, social and cultural, are respected, by the degree to which they are able to enjoy those rights and by the extent to which those rights are protected by guarantees and machinery. These conditions are essential for inspiring public confidence in democratic institutions and enlisting people's active participation in political and social life;
5. That in order to preserve democracy, the Francophonie condemns all seizures of power through violence, arms or other illegal means;
6. That in order to consolidate democracy, the action undertaken by the Francophonie must be based on international cooperation that draws on the positive practices and experiences of each member State and Government;

⁸ Reservations by Vietnam and Laos with regard to article 2, paragraph 5. - Grounds: democracy and multiparty system are two separate notions and cannot be equated. Democracy is an end, while the multiparty system is but a means. The means that each country selects for arriving at democracy must be determined by its people in light of its specific cultural, historical, economic and social features.

7. That international relations must also be governed by democratic principles in all their dimensions, political, economic, social, cultural and legal;

4 - Undertake the following commitments:

A. To consolidate the rule of law

1. To strengthen the capacities of the institutions, traditional or new, that make up the rule of law and to strive to enable them to enjoy the full independence they need in order to carry out their mission impartially;
2. To encourage a more vigorous parliamentary system by substantially facilitating the work of elected representatives, ensuring respect for their immunity and providing them with the necessary training;
3. To ensure independence for the judiciary, freedom for the legal profession, and the promotion of an effective and accessible justice as the guarantor of the rule of law, in accordance with the Declaration and Five-year Action Plan adopted at Cairo by the 3rd Conference of Francophone Ministers of Justice;
4. To establish the principle of transparency as the rule governing the functioning of institutions;
5. To ensure that all agencies and institutions and all establishments, public or private, that handle public funds are subject to generalized and expanded control by impartial supervisory bodies;
6. To support the activities of institutions established in the framework of regional integration and cooperation, with a view to promoting the emergence at this level of a civic conscience oriented towards development, progress and solidarity;

B. For the holding of free, fair and transparent elections

7. To strive to strengthen the national capacities of all players and institutions involved in the electoral process, with particular attention to establishing reliable civil registries and voters' lists;
8. To ensure that the organization of elections, from the preparatory stage through the election campaign to the counting of votes and the proclamation of results, including, where required, the resolution of any disputes, is conducted in full transparency and is handled by credible bodies whose independence is recognized by all;

9. To guarantee the full participation of citizens in the vote, as well as equal treatment of candidates during the entire electoral process;
10. To involve all legally established political parties, those in the majority as well as those in the opposition, in all stages of the electoral process, with full respect for the democratic principles enshrined in the basic legislation and the institutions, and allow them access to funding from the State budget;
11. To take the necessary steps to move towards national financing of elections with public funds;
12. To accept the results of free, fair and transparent elections;

C. For a peaceful political life

13. To ensure that basic legislation governing democratic life reflects a broad national consensus, while respecting international standards, and that it is regularly assessed and updated;
14. To involve all political parties, whether of the majority or the opposition, in national, regional and local political life, in accordance with the law, so as to settle any conflicts of interest peacefully;
15. To promote citizen participation in public life through the progressive introduction of local democracy, as a central condition for strengthening democracy;
16. To prevent, or as necessary ensure the peaceful settlement of, disputes and tensions between political and social groups, through all appropriate mechanisms and means, such as establishing special status for former Heads of State, without prejudice to any criminal liability on their part, under national and international laws;
17. To recognize the role and facilitate the constant involvement of civil society, including non-governmental organizations, the media and traditional moral authorities, enabling them, in the public interest, to make their contribution to a balanced political life;
18. To ensure effective respect for freedom of the press and guarantee that all political forces have an equitable access to the public and private media, both printed and audiovisual, under regulations consistent with democratic principles;

D. For instilling a democratic culture and full respect for human rights

19. To develop a spirit of tolerance and promote a democratic culture in all its dimensions, so as to foster, through education and training, an awareness of the ethical demands of democracy and of human rights among public officials, all players in political life and the citizenry at large;
20. To promote, to that end, the emergence of new partnerships between public and private initiatives, mobilizing all those engaged in promoting democracy and human rights;
21. To ratify the principal international and regional human rights instruments, honor and fulfill the commitments flowing therefrom, ensure their full implementation and give the proper training to all those responsible for enforcing them;
22. To adopt in particular, in order to combat impunity, all measures necessary for prosecuting and punishing those responsible for serious violations of human rights, as provided for in various international and regional legal instruments, including the Rome Statute of the International Criminal Court; and to encourage its swift ratification by the greatest possible number of countries;
23. To create, generalize and strengthen national institutions, advisory or otherwise, for promoting human rights and to support the creation of structures within national administrations devoted specifically to human rights, and to assist the defenders of human rights in their efforts;
24. To take all appropriate measures to ensure that members of minority groups, whether ethnic, philosophical, religious or linguistic, enjoy the freedom to practice or not to practice a religion, the right to speak their own language, and to have their own cultural life;
25. To ensure respect for the dignity of immigrants and the enforcement of the relevant provisions contained in international instruments concerning them;

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To these ends, and with a view to inspiring a renewed partnership, we intend:

- To intensify cooperation between the International Organization of the Francophonie (OIF) and international and regional organizations, to develop concerted action to democratize international relations, and to support, in this context, initiatives to promote democracy;
- To strengthen the mechanisms for cooperation and permanent dialogue with international non-governmental organizations recognized by the Francophonie, and particularly with those that pursue the same objectives in the fields of democracy and human rights;

5 - We decide to recommend the implementation of the following procedures to monitor the practices of democracy, rights and freedoms in the Francophone world:

1. The Secretary-General will keep himself informed at all times of the situation with respect to the practices of democracy, rights and freedoms in the Francophone world, relying in particular on the Delegation for Human Rights and Democracy, responsible for observing the respect of democracy and human rights in member countries of the Francophonie;

A continued evaluation of the practices of democracy, rights and freedoms in the Francophone world shall be carried out, as a preventive measure, within the framework of the International Organization of the Francophonie, on the basis of the founding principles set forth above. This evaluation shall make it possible to:

- Define the most appropriate measures for helping democracy, rights and freedoms to take root,
- Provide States and Governments, at their request, with the necessary assistance in these fields,
- Help to set up an early warning system;

2. In the case of a democratic crisis or of severe human rights violations, the official bodies of the Francophonie will address the issue, consistent with the provisions of the Charter, and will take initiatives to prevent the worsening of such situations and to help to resolve them. To that end, the Secretary-General proposes the following specific measures:

- He may send a facilitator to help seek consensus on possible solutions. The success of any action depends upon the prior acceptance of the facilitation process by the authorities of the country concerned. The facilitator shall be selected by the Secretary-General after consultation with the President of the Ministerial Conference, with the consent of all parties involved in the dispute. Facilitation shall be carried out in close coordination with the Permanent Council of the Francophonie (CPF) ;

- Where the Francophone community is concerned about a specific trial or proceeding, he may send judicial observers to the country, with the concurrence of the CPF and the country itself;

3. In the case of a breakdown of democracy, or massive human rights violations, the following actions shall be taken:

The Secretary-General shall immediately consult with the President of the Ministerial Conference of the Francophonie;

The issue shall be immediately and automatically included on the agenda of the CPF, which may be convened in emergency session and, where necessary, may:

- Confirm the breakdown of democracy or the existence of massive human rights violations,
- Condemn them publicly,
- Call for the re-establishment of the constitutional order or an immediate halt to such violations;

The CPF shall notify the parties concerned of its decision;

The Secretary-General shall establish contact with de facto authorities. He may send an information and contact mission to the country. This mission shall prepare a report as quickly as possible. The report shall be submitted to the national authorities for their comments. The mission's report and the comments of the national authorities shall subsequently be submitted to the CPF for any action that it deems appropriate;

The CPF may take the following measures:

- It may refuse to support candidates presented by the country concerned for elective positions in international organizations,
- It may refuse to allow events or conferences of the Francophonie to be held in the country concerned,
- It may make recommendations concerning the granting of visas to de facto authorities of the country concerned, and cut back inter-governmental contacts,
- It may suspend participation by representatives of the country concerned in meetings of Francophonie official bodies,
- It may suspend multilateral cooperation of the Francophonie, with the exception of programs of direct benefit to the civilian population and those that might support a return to democracy,
- It may propose suspension of the country concerned from the Francophonie. In the case of a military coup against a democratically elected government, such suspension is decided;

When steps are taken to restore the constitutional order or put an end to massive human rights violations, the CPF shall assess the procedure for the return to the

normal institutional functioning, together with guarantees of respect for human rights and fundamental freedoms. It shall determine the measures that the Francophonie may take to support this process in partnership with other international and regional organizations;

If necessary, the CPF will place the issue before the Ministerial Conference of the Francophonie, through its President;

The question of the breakdown of democracy or massive human rights violations in any country, and the measures taken, shall remain on the agenda of the CPF for as long as such breakdown or violations persist⁹.

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We, Ministers and Heads of delegation of States and Governments using French as a common language,

Hereby adopt this declaration;

Request the Secretary-General of the International Organization of the Francophonie to ensure its implementation;

Transmit the attached draft program of action for consideration of Heads of State and Government at their Ninth Francophone Summit in Beirut.

Bamako, November 3, 2000

⁹ Reservation of Vietnam and of Laos to article 5, paragraph 3.

53. Beirut Declaration

Ninth Summit of Heads of State and Government of countries using French as a common language: Beirut, 18, 19 and 20 October 2002

We, the Heads of State and Government of countries using French as a common language, meeting from 18 to 20 October 2002 in Beirut, welcome the fact that a summit of la Francophonie is being held for the first time in an Arab country, Lebanon. Our presence in the Near East underlines our solidarity with the Arab language and culture, a solidarity that allows us to reaffirm the universal dimension of la Francophonie.

We have decided to devote the Ninth Summit of la Francophonie to The dialogue of cultures.

We reaffirm the major role played by the dialogue of cultures in the promotion of peace and the democratization of international relations. This dialogue entails respect for different identities, openness to others and a search for common and shared values.

We wish to further intensify the dialogue of cultures and civilizations and to bring peoples closer together through mutual understanding, two objectives that we declared in our Charter to be among the priorities of la Francophonie.

We are resolved to strengthen the role of the International Organization of la Francophonie to that end.

We reaffirm our commitment to multilateral cooperation in the search for solutions to the major international problems.

We are determined to extend the scope of francophone collaboration and cooperation in order to fight poverty and contribute to the emergence of a more equitable form of globalization that will bring progress, peace, democracy and human rights, in full respect for cultural and linguistic diversity, in the interests of the most vulnerable populations and the development of all countries.

I. The dialogue of cultures, an instrument of peace, democracy and human rights

We undertake to strengthen the role of la Francophonie in the interests of consolidating peace, democracy and human rights and we invite the Secretary-General to continue his activities in this direction in close cooperation with francophone agencies and the relevant international organizations.

1. **Peace**

We emphasize our concern in the face of continuing violence, the re-emergence of terrorism and the worsening of crises and conflicts of every kind. We are convinced that the dialogue of cultures constitutes a prerequisite for the search for peaceful solutions and will enable us to combat exclusion, intolerance and extremism.

In accordance with the relevant United Nations resolutions, in particular Security Council resolution 1373 (2001), we strongly condemn any recourse to terrorism and emphasize the need for close cooperation among all States and governments to prevent and counter this terrible phenomenon. We undertake to accede as soon as possible to all the international conventions against terrorism and to implement them; we call for the conclusion of a general convention on terrorism. At the same time, we must emphasize that all measures to combat terrorism must respect the fundamental principles of the Charter of the United Nations and the international human rights instruments, humanitarian law and refugee law.

We condemn violations of the national sovereignty and territorial integrity of States, the use of the territories of countries that have received refugees to destabilize their countries of origin, armed aggression, occupation situations, the destruction, pillage and illegal exploitation of natural resources and other sources of wealth and human rights abuses. We call on those responsible for such situations to respect the Charter of the United Nations and we support all initiatives or actions that are legal and in conformity with the relevant United Nations resolutions, including General Assembly resolution 46/51 of 9 December 1991, and with international law that may put an end to them. We reaffirm our support for the United Nations in its quest for just and peaceful solutions to these situations.

We reiterate our international commitments concerning protection and assistance for civilian populations, in particular for women and children, in situations of armed conflict.

We undertake to involve the International Organization of la Francophonie more closely in the preparation and follow-up of the major international conferences on peace, democracy and human rights held under the auspices of the United Nations.

We reaffirm our total solidarity with Lebanon and its people in their endeavours to address the political, economic and social challenges confronting them.

With regard to the situation in the Middle East, we call for the immediate revival of the peace process on the basis of the principles agreed on at the Madrid peace conference and the relevant United Nations resolutions, including Security Council resolutions 242 (1967) and 338 (1973).

To that end, we support the Arab peace initiative unanimously adopted at the Arab Summit Conference held in Beirut on 27 and 28 March 2002; we consider it to be in

every respect, inter alia as regards the principle of land for peace and the problem of Palestinian refugees, the most appropriate basis for the achievement of a just, lasting and global solution in the region.

We defend the primacy of international law and the leading role of the United Nations. We call on the collective responsibility of the United Nations to resolve the Iraq crisis and on Iraq to respect all its obligations in full.

We note with satisfaction that, on 16 September 2002, Iraq officially accepted the unconditional resumption of inspections by the United Nations.

We condemn the attempt to seize power by force and the calling into question of the existing constitutional order in Côte d'Ivoire.

We call on the Ivorian political class and the population as a whole to demonstrate restraint, to refrain from violence and to protect human life and property.

We support the efforts made, in particular by the Economic Community of West African States (ECOWAS), to promote dialogue, the only path to lasting reconciliation.

We support the Secretary-General of the International Organization of la Francophonie in his continued action to assist ongoing mediation efforts.

We hail the birth, on 9 July 2002, in Durban (South Africa) of the African Union, which evidences the will of the heads of State and Government of the continent to enhance cooperation and solidarity among their States.

We welcome, in that connection, the adoption by the African Union of the New Partnership for Africa's Development (NEPAD) and the decision of the G8, at its meeting in Kananaskis, in June 2002, to back this initiative with an Africa Action Plan.

We request the Secretary-General to ensure that the International Organization of la Francophonie gives its support to this African initiative, which seeks to promote peace, security, democracy and respect for human rights.

We consider that the African countries have a special role to play in the mediation and arbitration process aimed at dispelling latent tensions and curbing the outbreak of crises in Africa. Accordingly, we support the mechanisms devised at the continental and regional levels to prevent, solve and manage the endemic conflicts within, or on the borders of African States.

We endorse efforts to suppress networks engaging in the unlawful trafficking and uncontrolled circulation of arms. We strongly condemn the recruitment and indoctrination of child soldiers, which practices particularly affect the African continent, and we reaffirm our will effectively to apply international instruments concerning children's rights.

We reiterate our support for measures to consolidate peace in societies emerging from armed conflicts, especially steps to recover and destroy weapons and to reintegrate demobilized soldiers, particularly youths, in a tolerant society which respects democratic values.

2. **Democracy**

We proclaim that the French-speaking peoples, democracy and development are inseparably linked. We are convinced that democracy requires the practising of dialogue at all levels of society. To this end, we are determined to implement the Bamako Declaration¹⁰ on the status of the practices of democracy, rights and freedoms in the French-speaking community, which constitutes a step forward in the history of our Organization. This commitment to democracy must be reflected in cooperation among the French-speaking peoples, drawing on the positive experiences and practices of each member State and Government. To that end, we are adopting the Action Plan annexed to this Declaration.

We also reaffirm our condemnation of all forms of genocide, war crimes and crimes against humanity, which constitute nothing less than massive violations of human rights, as well as our condemnation of coups d'état and serious breaches of the existing constitutional order, inasmuch as they disrupt democracy.

Aware of the importance of the full and equal participation of women in political, economic, social and cultural life, we endorse the Luxembourg Declaration on Women, Power and Development.

3. **Human rights**

We emphasize the universal and inseparable nature of all civil, political, economic, social and cultural rights, including the right to development and are determined to ensure that all citizens fully enjoy them.

For that purpose, we request the Secretary-General to pursue, together with the relevant international organizations, his efforts to promote the ratification of the principal international and regional instruments which guarantee these rights, and their effective implementation by member States.

We undertake, at all levels of society, to combat the impunity of those who violate human rights, by strengthening the capacity of the competent administrative and judicial institutions. We welcome the entry into force, on 1 July 2002, of the Rome Statute of the International Criminal Court, which will help to end impunity and make it possible to bring to trial those who commit genocide, crimes against humanity and war crimes. To

¹⁰ Viet Nam and Laos draw attention to their reservations regarding article 2, paragraph 5, and article 5, paragraph 3, of the Bamako Declaration.

that end, we invite those States which have not yet done so to ratify the Rome Statute of the International Criminal Court, or to accede to it as soon as possible.

We consider that, while respecting the Charter of the United Nations and the principles of international law, recognition of cultural diversity may warrant the adoption by States and Governments of measures to protect persons belonging to minority groups.

We will promote the emergence of new partnerships between public and private initiatives, mobilizing all those who strive for the recognition, protection and respect of human rights.

II. **La Francophonie, a forum for dialogue among cultures**

1. **Culture**

We confirm our support for the open-minded notion of cultural diversity reiterated at the Moncton Summit and embodied in the Cotonou Declaration. We emphasize our attachment to the rich variety of plural cultural identities making up the French-speaking area and our wish to preserve it.

We consider that recognition of the diversity and uniqueness of cultures, inasmuch as they respect the values, standards and principles embodied in the Charter of the United Nations and the International Bill of Human Rights, creates favourable conditions for the dialogue of cultures.

We stress the importance of the economic implications of culture and the cultural industries, a sector that generates growth and employment. We intend to foster its development and to provide a dynamic environment for the agents that contribute to it.

2. **Language policies**

We draw attention to the fact that French, the language that we use in common, is the underlying bond of our community and we reaffirm our determination to work together to further multilingualism, to maintain the standing and influence of French and to promote it as a major language of communication at the international level.

Underlining the importance of linguistic diversity in the international organizations and other forums in which we are present, we reaffirm our commitment to give greater priority to the use of French there, while respecting the official languages of States, Governments and international organizations. To that end, we request the Secretary-General to take resolute action to that effect and, for that purpose, we intend to strengthen our ties with other relevant international organizations, especially those representing the main linguistic areas.

In the spirit of the Cotonou Declaration, we likewise confirm our commitment to support and develop policies that will buttress multilingualism, in order to further among

the population of the French-speaking area a knowledge of and also an attachment to the French language and partner national languages.

3. **Cultural policies**

We confirm our determination not to allow cultural goods and services to be reduced to the level of mere commodities. We reaffirm that our States and Governments are entitled freely to define their cultural policy and the means for its implementation. We are determined to defend these positions within various international forums.

We welcome the adoption of the Universal Declaration on Cultural Diversity by the United Nations Educational, Scientific and Cultural Organization (UNESCO). We endorse the principle of working out a universal regulatory framework and we are therefore prepared to contribute actively to the adoption by UNESCO of an international convention on cultural diversity, that establishes the right of States and Governments to maintain, establish and develop policies in support of culture and cultural diversity. Its purpose must be to define a right applicable to cultural diversity. This convention must also emphasize openness to other cultures and expressions thereof.

We instruct the Secretary-General of the International Organization of la Francophonie to set up, under the aegis of the Permanent Council, a working group responsible for contributing to the international debate, in UNESCO and in other forums such as the International Network on Cultural Policy (RIPC), with a view to drafting an international convention on cultural diversity.

We consider that, in the present circumstances, preservation of cultural diversity entails refraining from having any part in the liberalization of cultural goods and services at the World Trade Organization (WTO), so as not to jeopardize the efficacy of instruments designed to promote and underpin cultural diversity.

We are resolved to employ all necessary means to ensure that greater use of information and communication technologies does not widen the gaps within our societies or create new inequalities by encouraging a brain drain to the most innovative economies. Consequently, we undertake to support the expansion of these information technologies so as to reduce the digital divide in the French-speaking community. We will actively participate in the World Summit on the Information Society, which will be held in Geneva in 2003 and then in Tunis in 2005. To that end, we have decided to convene a ministerial conference of French-speaking countries on information and communication technologies during the current biennium.

We are determined to pursue the establishment and strengthening, within our States and Governments, of institutional frameworks, regulatory bodies and policies to develop the audio-visual media, circulate information, provide persons active in the cultural field with access to international markets and protect their rights.

We undertake to support the widest possible access to French-speaking multilateral television and to develop its role as a world showcase of cultural diversity.

III. A French-speaking community that is more united in the service of sustainable economic and social development

Controlling globalization and its implications imposes a shared responsibility on us. The dialogue of cultures, which makes for the mutual enrichment of knowledge and experience, goes some way to meeting the challenges of our times and to creating the conditions for sustainable development.

Poverty, illiteracy, pandemics, especially AIDS, insecurity, organized crime and ecological imbalances are scourges which isolate the most vulnerable countries and populations from development.

We undertake to combat these scourges by strengthening cooperation within our community and by establishing closer ties with the other competent multilateral bodies.

Convinced that education and training are essential preconditions for sustainable development, we reaffirm the priority given to promoting and supporting these activities.

In conjunction with the international community as a whole, we have subscribed to the objectives of Education for All (EFA) formulated at the World Education Forum in Dakar in 2001, to provide basic education and enable all children, and in particular girls, to have access to compulsory, free and quality primary education which will promote their integration in social and professional life.

We are determined to strengthen the role of la Francophonie in these fields and undertake to work together with the partners for development to promote policies of education for all based on the values of equity, solidarity and tolerance.

We reaffirm the role of public authorities in planning and managing education and training policies.

We therefore call on the Conference of Ministers of Education to complete the indispensable process of reform as rapidly as possible to enable it to carry out its statutory tasks with a view to promoting the point of view of the French-speaking community in the international bodies involved in the follow-up to the Dakar Forum, creating the conditions to make our education systems eligible for international funding and performing its task of helping to shape the education programmes of the International Agency of la Francophonie.

We appeal for greater solidarity with the most vulnerable population groups and between rich and poor countries. We pay tribute to the key role played by women and young people in development and, following the special session of the United Nations

General Assembly on children, we reaffirm the need for a common policy based on solidarity to protect the rights of the child.

We are determined to make an active contribution to implementing the New Partnership for Africa's Development (NEPAD), and therefore call upon the Secretary-General to ensure that genuine synergy is established between this process which seeks to promote economic and social development in Africa, the G8 Action Plan and the actions of the International Organization of la Francophonie, inter alia by participating in the preparation of the regional and subregional strategies being developed in Africa.

We call upon the international community, and in particular the economic institutions and the private sector, to help set in motion this new process.

We welcome the economic and social progress made by the countries of South-East Asia and the Pacific that are members of la Francophonie. We reaffirm that their attachment to francophone values helps strengthen the image of la Francophonie and give it a universal dimension. We therefore express our solidarity and support for strengthening of the cooperation programmes in these regions of the world.

We welcome the process launched by the United Nations Millennium Declaration, which was carried forward at Monterrey, at the International Conference on Financing for Development, and at Johannesburg, at the World Summit on Sustainable Development, and the new round of multilateral trade talks in Doha. We shall pursue our efforts to combat poverty and extend our solidarity in the first place to the least developed countries (LDCs) and small island States to enable them to become integrated in the global circuit of trade in goods and services.

We are resolved to ensure that the Tenth Conference of Heads of State and Government that use French as a common language is a milestone in implementing the Johannesburg Action Plan.

By developing the cooperation which began with the ministerial conference in Monaco, we shall defend these positions in international bodies, and in particular those with economic responsibilities. We shall promote the effective participation of each member State and Government in the work of these organizations.

In order to create a Francophonie which is based on greater solidarity and is more enterprising, we urge the operators to support actions aimed at strengthening North-South and South-South economic cooperation in the interests of sustainable development in the French-speaking world.

We welcome the election of Mr. Abdou Diouf as Secretary-General of the International Organization of la Francophonie and undertake to give him our full support in the performance of his duties.

In order to achieve the objectives set out in this Declaration we hereby adopt the enclosed action plan and undertake to endow la Francophonie with the necessary resources for this purpose.

P. THE COMMONWEALTH

54. The Harare Commonwealth Declaration, 1991. (Issued by Heads of Government in Harare, Zimbabwe) (Excerpts)

1. The Heads of Government of the countries of the Commonwealth, meeting in Harare, reaffirm their confidence in the Commonwealth as a voluntary association of sovereign independent states, each responsible for its own policies, consulting and co-operating in the interests of their peoples and in the promotion of international understanding and world peace.

2. Members of the Commonwealth include people of many different races and origins, encompass every state of economic development, and comprise a rich variety of cultures, traditions and institutions.

3. The special strength of the Commonwealth lies in the combination of the diversity of its members with their shared inheritance in language, culture and the rule of law. The Commonwealth way is to seek consensus through consultation and the sharing of experience. It is uniquely placed to serve as a model and as a catalyst for new forms of friendship and co-operation to all in the spirit of the Charter of the United Nations.

4. Its members also share a commitment to certain fundamental principles. These were set out in a Declaration of Commonwealth Principles agreed by our predecessors at their Meeting in Singapore in 1971. Those principles have stood the test of time, and we reaffirm our full and continuing commitment to them today. In particular, no less today than 20 years ago:

- we believe that international peace and order, global economic development and the rule of international law are essential to the security and prosperity of mankind;

- we believe in the liberty of the individual under the law, in equal rights for all citizens regardless of gender, race, colour, creed or political belief, and in the individual's inalienable right to participate by means of free and democratic political processes in framing the society in which he or she lives;

- we recognise racial prejudice and intolerance as a dangerous sickness and a threat to healthy development, and racial discrimination as an unmitigated evil;

- we oppose all forms of racial oppression, and we are committed to the principles of human dignity and equality;

- we recognise the importance and urgency of economic and social development to satisfy the basic needs and aspirations of the vast majority of the peoples of the world, and seek the progressive removal of the wide disparities in living standards amongst our members.

5. In Harare, our purpose has been to apply those principles in the contemporary situation as the Commonwealth prepares to face the challenges of the 1990s and beyond.

6. Internationally, the world is no longer locked in the iron grip of the Cold War. Totalitarianism is giving way to democracy and justice in many parts of the world. Decolonisation is largely complete. Significant changes are at last under way in South Africa. These changes, so desirable and heartening in themselves, present the world and the Commonwealth with new tasks and challenges.

7. In the last twenty years, several Commonwealth countries have made significant progress in economic and social development. There is increasing recognition that commitment to market

principles and openness to international trade and investment can promote economic progress and improve living standards. Many Commonwealth countries are poor and face acute problems, including excessive population growth, crushing poverty, debt burdens and environmental degradation. More than half our member states are particularly vulnerable because of their very small societies.

8. Only sound and sustainable development can offer these millions the prospect of betterment. Achieving this will require a flow of public and private resources from the developed to the developing world, and domestic and international regimes conducive to the realisation of these goals. Development facilitates the task of tackling a range of problems which affect the whole global community such as environmental degradation, the problems of migration and refugees, the fight against communicable diseases, and drug production and trafficking.

9. Having reaffirmed the principles to which the Commonwealth is committed, and reviewed the problems and challenges which the world, and the Commonwealth as part of it, face, we pledge the Commonwealth and our countries to work with renewed vigour, concentrating especially in the following areas:

- the protection and promotion of the fundamental political values of the Commonwealth:
- democracy, democratic processes and institutions which reflect national circumstances, the rule of law and the independence of the judiciary, just and honest government;
- fundamental human rights, including equal rights and opportunities for all citizens regardless of race, colour, creed or political belief;
- equality for women, so that they may exercise their full and equal rights;
- provision of universal access to education for the population of our countries;
- continuing action to bring about the end of apartheid and the establishment of a free, democratic, nonracial and prosperous South Africa;

...

10. To give weight and effectiveness to our commitments we intend to focus and improve Commonwealth cooperation in these areas. This would include strengthening the capacity of the Commonwealth to respond to requests from members for assistance in entrenching the practices of democracy, accountable administration and the rule of law.

11. We call on all the intergovernmental institutions of the Commonwealth to seize the opportunities presented by these challenges. We pledge ourselves to assist them to develop programmes which harness our shared historical, professional, cultural and linguistic heritage and which complement the work of other international and regional organisations.

12. We invite the Commonwealth Parliamentary Association and non-governmental Commonwealth organisations to play their full part in promoting these objectives, in a spirit of co-operation and mutual support.

13. In reaffirming the principles of the Commonwealth and in committing ourselves to pursue them in policy and action in response to the challenges of the 1990s, in areas where we believe

that the Commonwealth has a distinctive contribution to offer, we the Heads of Government express our determination to renew and enhance the value and importance of the Commonwealth as an institution which can and should strengthen and enrich the lives not only of its own members and their peoples but also of the wider community of peoples of which they are a part.
20 October 1991

**55. The Millbrook Commonwealth Action Programme on the
Harare Declaration, 1995**

(Issued by Heads of Government at Millbrook, New Zealand 12 November 1995)
(Excerpts)

1. At Harare in 1991, we pledged to work for the protection and promotion of the fundamental political values of the association, namely democracy, democratic processes and institutions which reflect national circumstances, fundamental human rights, the rule of law and the independence of the judiciary, and just and honest government. We agreed at the same time to work for the promotion of socio-economic development, recognizing its high priority for most Commonwealth countries. During our Retreat at Millbrook, we decided to adopt a Commonwealth Action Programme to fulfill more effectively the commitments contained in the Harare Commonwealth Declaration. This Programme is in three parts:

- i. advancing Commonwealth fundamental political values;
- ii. promoting sustainable development; and
- iii. facilitating consensus building.

I. Advancing Commonwealth Fundamental Political Values

A. Measures in Support of Processes and Institutions for the Practice of the Harare Principles

2. The Secretariat should enhance its capacity to provide advice, training and other forms of technical assistance to governments in promoting the Commonwealth's fundamental political values, including:

- assistance in creating and building the capacity of requisite institutions;
- assistance in constitutional and legal matters, including with selecting models and initiating programmes of democratisation;
- assistance in the electoral field, including the establishment or strengthening of independent electoral machinery, civic and voter education, the preparation of Codes of Conduct, and assistance with voter registration;
- observation of elections, including by-elections or local elections where appropriate, at the request of the member governments concerned;
- strengthening the rule of law and promoting the independence of the judiciary through the promotion of exchanges among, and training of, the judiciary ;
- support for good government, particularly in the area of public service reform; and
- other activities, in collaboration with the Commonwealth Parliamentary Association and other bodies, to strengthen the democratic culture and effective parliamentary practices.

B. Measures in Response to Violations of the Harare Principles

3. Where a member country is perceived to be clearly in violation of the Harare Commonwealth Declaration, and particularly in the event of an unconstitutional overthrow of a democratically elected government, appropriate steps should be taken to express the collective concern of Commonwealth countries and to encourage the restoration of democracy within a reasonable time frame. These include:

- i. immediate public expression by the Secretary -General of the Commonwealth's collective disapproval of any such infringement of the Harare principles;
- ii. early contact by the Secretary-General with the de facto government, followed by continued good offices and appropriate technical assistance to facilitate an early restoration of democracy;
- iii. encouraging bilateral démarches by member countries, especially those within the region, both to express disapproval and to support early restoration of democracy;
- iv. appointment of an envoy or a group of eminent Commonwealth representatives where, following the Secretary -General's contacts with the authorities concerned, such a mission is deemed beneficial in reinforcing the Commonwealth's good offices role;
- v. stipulation of up to two years as the time frame for the restoration of democracy where the institutions are not in place to permit the holding of elections within, say, a maximum of six months;
- vi. pending restoration of democracy, exclusion of the government concerned from participation at ministerial-level meetings of the Commonwealth, including CHOGMs;
- vii. suspension of participation at all Commonwealth meetings and of Commonwealth technical assistance if acceptable progress is not recorded by the government concerned after a period of two years; and
- viii. consideration of appropriate further bilateral and multilateral measures by all member states (e.g. limitation of government-to-government contacts; people-to-people measures; trade restrictions; and, in exceptional cases, suspension from the association), to reinforce the need for change in the event that the government concerned chooses to leave the Commonwealth and/or persists in violating the principles of the Harare Commonwealth Declaration even after two years.

C. Mechanism for Implementation of Measures

4. We have decided to establish a Commonwealth Ministerial Action Group on the Harare Declaration in order to deal with serious or persistent violations of the principles contained in that Declaration. The Group will be convened by the Secretary-General and will comprise the Foreign Ministers of eight countries, supplemented as appropriate by one or two additional ministerial representatives from the region concerned. It will be the Group's task to assess the nature of the infringement and recommend measures for collective Commonwealth action aimed at the speedy restoration of democracy and constitutional rule.

5. The composition, terms of reference and operation of the Group will be reviewed by us every two years.

...

III. Facilitating Consensus Building

7. We were convinced that the Commonwealth, with its global reach and unique experience of consensus building, was in a position to assist the wider international community in building bridges across traditional international divides of opinion on particular issues. We therefore agreed that there was scope for the association to play a greater role in the search for consensus on global issues, through:

- i. use of their governments membership of various regional organisations and attendance at other international gatherings to advance consensual positions agreed within the Commonwealth;
- ii. use, where appropriate, of special missions to advance Commonwealth consensual positions and promote wider consensus on issues of major international concern; and
- iii. use of formal and informal Commonwealth consultations in the wings of meetings of international institutions with a view to achieving consensus on major concerns.

12 November 1995

**56. Aso Rock Commonwealth Declaration
on *Development and Democracy:*
Partnership for Peace and Prosperity
8 December 2003
(Excerpts)**

1. We, the Heads of Government of the Commonwealth of Nations, meeting at Abuja, Nigeria from 5 to 8 December 2003, commit ourselves to strengthen development and democracy, through partnership for peace and prosperity. Building on the landmark Declarations in Singapore, Harare and Fancourt, we are committed to democracy, good governance, human rights, gender equality and a more equitable sharing of the benefits of globalisation.

2. We recognise that the Governments of the Commonwealth are partners sharing a fundamental responsibility for the development, security and well-being of their people. We acknowledge their central role in guaranteeing stability, good economic management and governance in promoting sustainable growth and development.

3. We welcome the Report of the Commonwealth Expert Group on Development and Democracy which was constituted following the 2002 Coolum CHOGM. We have noted its key recommendations for Commonwealth actions, focusing on how democracies can best be supported in combating poverty.

4. We believe that efforts aimed at eradicating poverty and improving governance are essential for greater international equity and global peace and security. We recognise that the Millennium Development Goals (MDGs) have mobilised governments, international institutions and civil society to reduce poverty with renewed vigour and commitment.

5. We recognise that globalisation has significant potential benefits for all. However, the world is characterised by uneven development, and we therefore stress that globalization must provide real opportunities for developing countries to transform their economies and societies through diversification for the benefit of their people. It is the strategic goal of the Commonwealth to help their pre- industrial members to transition into skilled working- and middle-class societies, recognising that their domestic policies must be conducive to such transitions.

6. We further recognise that while development and democracy are goals each in its own right, they must be mutually reinforcing, with a clear 'democratic dividend', in terms of delivering tangible benefits to people. We are convinced that broad-based prosperity creates the stability conducive to the promotion of democracy; and that strong democratic institutions better promote development.

7. Accordingly, we commit ourselves to make democracy work better for pro-poor development by implementing sustainable development programmes and enhancing democratic institutions and processes in all human endeavours. We recognise that building democracy is a constantly evolving process. It must also be uncomplicated and take into account national circumstances. Among the objectives we seek to promote are the following:

- i. a participatory democracy characterised by free and fair elections and representative legislatures
- ii. an independent judiciary
- iii. a well-trained public service
- iv. a transparent and accountable public accounts system

- v. machinery to protect human rights
- vi. the right to information
- vii. active participation of civil society, including women and youth
- viii. substantially increased and more effective financial resources
- ix. adherence to the internationally agreed targets of 0.7 percent of GNP for development assistance
- x. financing and realisation of the Millennium Development Goals (MDGs)
- xi. increased democracy at the global level, including enhanced participation and transparency in international institutions
- ...

Partnership for Peace and Prosperity

20. We strongly reaffirm our commitment to multilateralism, international cooperation, partnership, and productive working relationships between government and civil society organisations. We also reaffirm our commitment to enhance global democracy, by ensuring that international institutions reflect the voice of their developing country members and are themselves models of good practice in democratic accountability, participation and transparency. We recognise that the Commonwealth as an association has distinctive strengths and comparative advantages that could be effectively utilised for the mutual benefit of member states. We therefore urge greater partnership within our community.

21. Furthermore we urge all countries to implement their commitments under the Monterrey Consensus and the Plan of Implementation of the World Summit on Sustainable Development.

22. We commend the African Union for taking the bold step to address development and good governance through the New Partnership for Africa's Development (NEPAD). In this regard, we support the Commonwealth Secretariat's activities in developing a comprehensive programme of assistance to support the efforts of Commonwealth countries in Africa.

23. We recognise that conflict and instability erode the prospects of development. We are therefore committed to help mobilise international support and resources for conflict prevention, resolution and management. We also commit ourselves to efforts to curb illicit trade in small arms and light weapons and to support prompt response in providing international assistance to conflict areas.

Conclusion

24. We urge the Commonwealth Secretary-General to direct resources to support the priorities identified in this Declaration. We also urge relevant Commonwealth Ministerial Meetings to give additional momentum to these priorities, and request the Secretary-General to provide a report on progress made to the next Commonwealth Heads of Government Meeting.

Aso Rock, Abuja, 7/8 December 2003.

III. OTHER ENTITIES

Q. THE INTERNATIONAL CONFERENCE OF NEW OR RESTORED DEMOCRACIES

57. The Fifth International Conference of New or Restored Democracies ULAANBAATAR, MONGOLIA (10-12 September 2003)

Ulaanbaatar Declaration Democracy, Good Governance and Civil Society

i. We, the Governments and representatives of nations around the world gathered at the 5th International

Conference of New or Restored Democracies,

ii. Declaring that democratic governance is legitimate and responsive, representative and participatory, transparent and accountable, and rights and law based. While it empowers, it offers checks and balances on authority to prevent abuse and enhances the promotion and protection of human rights, gender equality, and respect for the rule of law. We will endeavour to ratify, accept, or accede to the international human rights and international humanitarian law instruments;

iii. Democracy provides legitimacy to governments by rooting their actions in the will of the governed, builds greater success for national programs by engaging the energies of the governed, increases the potential for longterm sustainable economic development, and fosters human security by providing avenues for dissent to be expressed in legitimate, non-violent forms.

iv. Declaring further that the full, active and unobstructed participation of civil society, as they employ democratic and non-violent means, is essential for democratic governments to always remain responsive to the people's needs and wishes, including between elections;

v. Recognizing that new or restored democracies are today facing many challenges brought about by both national and international forces. Democracy has advanced rapidly in the last thirty years in many countries but we have also witnessed instances where democratic structures have come under direct threat by internal or external destabilisation forces of a military, political or economic nature;

vi. Recognising further that new or restored democracies also face the challenge of consolidating their sovereignty, their democratic achievements, of making democracy itself an irreversible process, and of ensuring that all members of society benefit from the democratisation process and are able to participate fully in the new systems of governance;

vii. Recalling that fifteen years have passed since the first International Conference of New or Restored Democracies (ICNRD) and that in these years democracy has developed and consolidated in many new and restored democracies, while some others have experienced failures due, inter alia, to armed conflicts or the undermining effect of organised crime, terrorist acts or repression;

viii. Recalling further that in the intervening period we have witnessed a rise in international terrorism. We fully support the increasing international efforts to address it. We reiterate our condemnation of all acts, methods and practices of terrorism, in all its forms and manifestations. In this regard, we underline the need to take the necessary steps to enhance international cooperation to prevent and combat terrorism, including measures that address factors that foster and sustain extremism and violence. Such efforts should comply with their obligations under international law, in particular international human rights, refugee and humanitarian law.

ix. Recognizing also the foregoing challenges, and in the spirit of solidarity and cooperation, desiring to open up a path for further strengthening the global democratic movement by the consolidation of new or restored democracies, as well as supporting other states in introducing democratic reforms for the benefit of all members of society. Democracy should be rooted in the Constitution of the State to provide permanency and a legal foundation;

- x. Reaffirming the principles and commitments as endorsed in:
- The Manila Declaration adopted in June 1988 at the First International Conference of New or Restored Democracies;
 - The Managua Declaration and plan of action adopted in July 1994 at the Second International Conference of New or Restored Democracies;
 - The Final Document of Bucharest entitled “The review of the situation and recommendations” adopted in September 1997 at the Third International Conference of New or Restored Democracies; and
 - The Cotonou Declaration adopted in December 2000 at the Fourth International Conference of New or Restored Democracies,
- xi. Recognising further that:
- Democratic societies have certain qualities which we consider superior to others, particularly those concerned with their participatory, representative and equitable nature;
 - Democracy, development and respect for human rights and of fundamental freedoms are interdependent and synergic; and
 - Democracy is an ongoing process,
- xii. Dedicate our efforts to help new and restored democracies to both consolidate and deepen democracy in new or restored democracies.
- xiii. Endorse the following principles and agree to work towards implementing them in accordance to international, regional and national Plans of Action adopted in pursuance to this conference.
- xiv. Reaffirm our full adherence to the purposes and principles of the Charter of the United Nations and underline our commitment to strengthen the United Nations as the principal international multilateral forum.

I. A democratic society is a just and responsible society.

- 1 A just and responsible society cannot tolerate poverty and will work towards eliminating inequality and promoting equality of opportunities in our societies.
- 1 a We will endeavour to promote sustainable development and economic growth from which all members of our respective societies will benefit.
- 1 b We will strive to ensure access to all members of society basic services, including health care, education, clean water supply, basic sanitation and affordable energy and communications.
- 1 c We will endeavour to ensure that globalisation does not have a negative but a positive effect on the poor, rural, or unskilled members of society.
- 2 A just and responsible society provides safety nets to the marginalised in society, with the assistance, if needed, of the international community.
- 2 a We will endeavour to reskill workers who are made redundant as a result of economic reform or technological changes.
- 3 A just and responsible society prioritises sustainable development.
- 3 a We undertake to address the urban/rural divide in the delivery of development services, and prioritise rural development.
- 3 b We undertake to address, with urgency, environmental problems.
- 3 c We exert our efforts to help achieve the Millennium Development Goals.
- 4 A just and responsible society is committed to human security and human development.
- 4 a We undertake to promote human security and human development to achieve cultural, economic, social, and political progress.
- 4 b We uphold political freedom and participation as important for human security and human development and reaffirm that fundamental aspects of human security and human development, including investing in education and health, increasing people’s safety from the threat of

violence, promoting equitable economic growth, and ensuring participation through democratic governance are mutually reinforcing principles leading to a better future for our societies.

4 c We undertake to incorporate in our respective national development strategies the above fundamental principles of human security and human development.

II. A democratic society is an inclusive and participatory society.

5 An inclusive and participatory society must provide access and ensure participation of its citizens in the national decision-making process.

5 a We will endeavour to adjust our institutions to better serve the goals of democracy.

5 b We will endeavour to strengthen representative democracy - parliamentary and electoral systems.

5 c We undertake to take all possible measures to encourage the full participation of women in the electoral process and increased representation of women at all levels, including legislatures.

5 d We will pursue, where necessary, electoral reforms with the participation of political parties and other relevant segments of civil society to uphold the principle of holding free, fair and periodic elections.

5 e We undertake to strengthen our electoral systems by ensuring independence of electoral bodies, monitoring electoral campaigns and processes by independent experts, and transparency of campaign contributions.

5 f We will endeavour to continue the consolidation of democratic multiparty systems in our societies to increase participation and representation of the people.

5 g We are committed to creating favourable conditions including a strong legal framework for the development of political parties and their engagement in political developments, elections, and responding to the interests of society.

5 h We will build mechanisms to give people better access to their members of parliament.

5 i We will take all possible measures to legislate only after proper consultations.

5 j We will endeavour to strengthen democracy at the local level.

5 k We will take measures to broaden electoral participation to encompass all sectors of our respective societies, particularly our citizens living abroad or overseas.

6 An inclusive and participatory society addresses the interests and concerns of people belonging to ethnic and other minorities.

6 a We undertake to keep an open dialogue with people belonging to minority groups to improve their situation.

6 b We undertake to ensure people belonging to minorities are well and truly represented in all the national institutions, and where this is not possible, to be regularly consulted.

7 An inclusive and participatory society values and implements compromise and accommodation as they facilitate the resolution of societal conflicts and promote stability of democracies.

7 a We commend achievements of democracy through compromise and accommodation as a universal means to mitigate conflicts, promote stability, and harness the creative energies of the people for common causes.

8 An inclusive and participatory society needs to foster national belongingness for all members and groups in society.

8 a We will endeavour to promote national unity and identity within all groups of society.

9 An inclusive and participatory society encourages education on democratic values and informs its members on their democratic rights and freedoms, as part of their efforts in consolidating their democracy.

9 a We will endeavour to initiate or facilitate the development of national education programmes, or to encourage the appropriate authorities to do so, to improve knowledge of basic democratic values and human rights.

III. A democratic society promotes and protects the rights and freedoms of all its members.

10 A democratic society promotes and protects the rights and freedoms of all its members providing instruments of redress for cases of breach of rights and abuse of power.

10 a We undertake to set up and strengthen national institutions and mechanisms to ensure that basic democratic principles and human rights are fully respected and guaranteed.

10 b We undertake to bring to justice, within existing national legal frameworks, any person, irrespective of status or position, who commits a breach of human rights or abuse of power.

11 A democratic society that promotes and protects the rights and freedoms of all its members protects those who work towards ensuring that such rights and freedoms are fully respected.

11 a We undertake to secure an environment conducive to the activities of Human Rights defenders in line with existing Human Rights instruments.

12 A democratic society protects vulnerable people.

12 a We undertake to address issues related to protection of children, women, the aged, and people with disabilities from abuse, especially during armed conflict.

12 b We undertake to address issues related to the empowerment of women and youth.

12 c We undertake to address issues related to the empowerment of children, the aged and people with disabilities.

IV. A democratic society is an open and transparent society.

13 An open and transparent society encourages the free creation, pursuit and flow of information.

13 a We undertake to make any legal reforms necessary to ensure the freedom of all types of media – print, broadcast and Internet.

13 b We undertake to ensure that, while guaranteeing media freedom, we protect individuals, organisations and institutions from abuse.

13 c We undertake to give all people access to new information technologies.

14 An open and transparent society elicits the effective participation of civil society in local, national and international institutions and processes.

14 a We undertake to engage in regular and active dialogue and consultation with civil society organisations as our partners in our democratic development.

14 b We undertake to provide legislative and regulatory framework and foster an enabling environment for civil society organisations to develop. We shall promote partnerships between civil society and government. To that end we undertake to involve broadly civil society in decision making processes at local and national levels.

14 c We undertake to serve our citizens by providing more information on government policies and programmes, and by considering the benefit of access to information legislation and systems, if not already in place.

V. A democratic society functions under agreed rules of law and accountability regardless of the challenges it may face.

15 A society that functions under agreed rules of law and accountability condemns all types terrorism as a crime and a threat to peace and security at both national and international level, and democratic governance.

15 a We undertake to ensure that, while fighting terrorism, we will work to promote and protect human rights and fundamental freedoms as they are guaranteed by international and national legal instruments. We undertake to ensure due process to those who are charged with terrorism. We support the efforts being made by the international community under the auspices of the United Nations to address the issues of terrorism, and express the hope that the process will be accelerated.

15 b In the framework of our struggle against terrorism we undertake to promote democracy, human rights, good governance, development, and the rule of law as important in creating just, equitable, stable and secure societies.

15 c In the framework of our struggle against terrorism we undertake to work together to strengthen international law in order to enhance the fight against all types of terrorism and ensure a peaceful resolution of international and national conflicts.

15 e We undertake to create and integrate, where necessary, mechanisms of conflict prevention and consensus-building in our societies.

16 A society that functions under agreed rules of law and accountability cannot tolerate violent and/or military insurgencies against a democratically elected government.

16 a We undertake to provide civilian control over military, paramilitary and police forces to ensure they protect democracy and constitutionality and through their actions do not undermine democratically elected regimes.

16 b We undertake to deal with insurgents against democratically elected governments in a lawful and constitutional manner.

17 A society that functions under agreed rules of law and accountability cannot tolerate abuse of power and corruption. These elements undermine democracy as they erode the people's trust in democratic governance.

17 a We undertake to promptly address any challenges to the separation of powers.

17 b We undertake to strengthen the safeguards for ensuring independence, impartiality and professionalism of the judiciary.

17 c We undertake to adjust, reform or reinvigorate systems and procedures to eliminate corruption and introduce accountability measures when trust is breached.

17 d We undertake to encourage the investigation of allegations of abuse of power and corruption.

VI. Democratic societies show solidarity toward others.

18 Encourage and assist other states in making the often difficult transition to democracy.

18 a Share experiences, lessons and best practices on the adoption of democracy and democratic institution building.

18 b Support multilateral organisations in their efforts to promote and strengthen democracy.

19 We take note of the outcome of the Seoul Conference of the Community of Democracies, held in November 2002 and encourage the two fora to work closely together in the pursuit of the common goal of developing and deepening democracy throughout the world.

20 We believe that democratic societies are better able to achieve the Millennium Development Goals as they are inherently and fundamentally participatory and representative. The more affluent democratic states need to assist new and restored democracies in meeting their development goals for the benefit of all people living in democratised developing countries as this ensures stability and thus the success of the democratisation process.

20 a Assist new and restored democracies achieve their Millennium Development Goals.

20 b Assist new and restored democracies in realising commitments undertaken in regional and international fora.

21 We express our appreciation and gratitude to the governments of the Philippines, Nicaragua, Romania, Benin and Mongolia, as well as to the United Nations and individual donor countries, for having made the five International Conferences of New or Restored Democracies possible. We call upon the United Nations General Assembly and upon its member states to examine the possibility of providing further support to the ICNRD conferences, organised in cooperation with the United Nations.

22 The participants have expressed their deep gratitude and high appreciation to the people and the Government of Mongolia for successfully holding the Fifth International Conference of New or Restored Democracies. They have recognized that after thirteen years of the peaceful transition to a democracy and market economy Mongolia has made significant progress in promoting and consolidating democratic values.

Ulaanbaatar, Mongolia, 12 September 2003.

58. Ulaanbaatar Plan of Action
Democracy, Good Governance and Civil Society

12 September 2003

1. We, the governments and representatives of nations around the world gathered at the 5th International Conference of New or Restored Democracies in Ulaanbaatar on 10-12 September 2003, affirm the need to further work towards consolidation of democracy in our countries by building societies that are just and responsible, inclusive and participatory, open and transparent, that respect all human rights and fundamental freedoms of all and ensure accountability and the rule of law.

2. The Plan of Action of the Fifth ICNRD, which is to be presented to the United Nations General Assembly, will guide the work of the President and the Bureau in the years leading to the sixth ICNRD.

3. National Action

3.1 For democratic changes to be meaningful and of benefit to all people, these need to be reflected at the national level. Countries may therefore:

3.1 a Draw up, with the collaboration of citizens and civil society, a national plan for strengthening democracy which is consistent with the spirit of the Declaration agreed at Ulaanbaatar.

3.1 b Prior to the sixth ICNRD, prepare 'country information notes'. The country information notes will outline the prospects of advancing and deepening democracy in the country and the steps that have or still need to be taken to address the principles and recommendations of the ICNRD declaration.

3.1 c Develop their own national democratic indicators' databases to be better able to monitor their progress in democratic and social development over time. It is recommended that the development of own national democratic indicators benefit from the current work done in other multilateral fora. The creation of such a database should be an inclusive and dynamic process with the participation of policy-makers, academics and civil society. The exercise will raise public awareness on issues of democratic governance and provide a broad overview of progress in this area. This process could also be central to national consensus building with the engagement of all stakeholders leading to further national consolidation of democracy.

3.1 d Give special attention to the following areas:

3.2 Participation and representation

3.2 a Ensure that the electoral process guarantees principles of holding free, fair, and periodic elections, based on secret balloting and universal suffrage monitored by independent national election authorities;

3.2 b Emphasise voter education particularly in an effort to improve voter turnout and reduce invalid votes. Ensure that voters have access to independent and sufficient information;

3.2 c Ensure independence of electoral bodies and ensure their constitutional guarantees;

3.2 d Ensure transparent electoral campaign financing;

3.2 e Ensure the freedom of association including the right to form independent political parties to create a pluralistic society;

3.2 f Support the participation of citizens living abroad or overseas and ensure that the election and decision-making process benefits from the largest possible rate of participation within society.

3.2 g Decentralise decision making to the local level, where feasible;

3.2 h Improve democratic institutions at the local level;

3.2 i As appropriate, take immediate steps in publishing all legislation (even financial ones) as white papers and consider inviting comments from citizens and interested parties before these are enacted;

- 3.2 j** Improve the work of parliamentary committees; and
- 3.2 k** The executive and legislature should hold regular consultations with citizens to ensure they are well aware of their needs and thus are able to address them accordingly at the highest levels.
- 3.3 Sustainable Development and eradication of poverty**
- 3.3 a** Develop safety nets, including social welfare systems, for the poor and marginalised in our societies;
- 3.3 b** Ensure provision of essential services are affordable for the poorest;
- 3.3 c** Address the urban/rural divide by developing plans that address the needs of rural communities;
- 3.3 d** Promote Human Resource Development for achievement of national economic development goals, especially with a view to the unemployed pursuing a productive life in our communities;
- 3.3 e** Promote public participation in environmental decision making;
- 3.3 f** Prioritize the protection of the environment as this has a direct link to the alleviation of poverty;
- 3.3 g** Aggressively pursue the attainment of the Millennium Development Goals.
- 3.4 Protection of human rights**
- 3.4 a** Establish or strengthen independent and impartial human rights commissions in conformity with the Paris Principles, ombudsman offices or similar bodies able to investigate human rights abuses and abuse of power;
- 3.4 b** Harmonize national legislation with international instruments on the promotion and protection of human rights;
- 3.4 c** Consider acceding to all the international human rights instruments, regularly prepare reports on their implementation and submit them for consideration by the appropriate treaty mechanisms and actively cooperate with the United Nations Commission of Human Rights;
- 3.4 d** Support human rights monitoring capacities of NGOs and the media;
- 3.4 e** Develop human rights education programmes for the military, the police, the civil service, as well as the general population. Countries should consider including civic/ democracy/ human rights education in their school curricula, or encourage the appropriate authorities to do so, and if necessary, seek the help of the United Nations System and civil society;
- 3.4 f** Promote and protect equality of all citizens before the law and equal protection under the law;
- 3.4 g** Ensure right of equal access to justice and to be protected from arbitrary arrest;
- 3.4 h** Investigate alternative dispute settlement mechanisms;
- 3.4 i** Set up, where absent, independent bar/law associations;
- 3.4 j** Strengthen the independence, impartiality and professionalism of the judiciary;
- 3.4 k** Ensure due process of law and the right to be presumed innocent until proven guilty in a court of law;
- 3.4 l** Ensure guaranteed right to a fair and impartial trial;
- 3.4 m** Ensure that violations of human rights and abuse of power are well investigated and perpetrators brought to justice;
- 3.4 n** Ensure remedies are provided to victims of human rights violations; and
- 3.4 o** Protect the freedoms of those who work for the protection of human rights.
- 3.5 Open and transparent Government**
- 3.5 a** Facilitate citizens' access to information;
- 3.5 b** Make internal and transnational activities and transactions, that are most susceptible to corrupt practices, more transparent and easily accessible for investigation;
- 3.5 c** Provide media education to national officials and civil servants to increase appreciation of the media's role in a democratic society;

- 3.5 d** Facilitate access to government records and other information, within our national legal frameworks, while protecting individuals, organizations and institutions from abuse;
- 3.5 e** Reform any legal instruments that inhibit the media from pursuing their work; and
- 3.5 f** Support programs aimed at improving the professionalism and ethics of journalists in the country and encourage the formation of professional associations of media practitioners.
- 3.6 Rule of Law and Accountability**
- 3.6 a** Ensure that the military remains accountable to the democratically elected civilian government;
- 3.6 b** Strengthen, where necessary, the separation of powers;
- 3.6 c** Strengthen legal basis of fight against corruption, including speedy negotiation and adoption of the United Nations Convention against Corruption;
- 3.6 d** Become parties to the appropriate UN conventions and protocols to fight international terrorism and promote speediest conclusion to the negotiations on the draft international convention for the suppression of acts of nuclear terrorism and the draft comprehensive convention on international terrorism;
- 3.6 e** Cooperate fully with the Counter-Terrorism Committee (CTC) of the United Nations Security Council to fight terrorism and other international mechanisms to fight transnational crime;
- 3.6 f** Incorporate in legislation and support provisions in international agreements concerning protection of human rights when fighting terrorism;
- 3.6 g** Ensure due process to those who are charged with terrorism, as reflected in international legal documents;
- 3.6 h** Make greater use of the United Nations' and regional mechanisms of peaceful settlement of disputes;
- 3.6 i** Consider recourse to the services of the International Court of Justice and other international and regional dispute settlement institutions; and
- 3.6 j** Incorporate provisions concerning mechanisms of conflict prevention and consensus building in legislation.

4. Regional Action

Strengthening regional collaboration in democratic development by:

- 4.1** Drawing up a plan of action for the regions through regional intergovernmental organisations with the collaboration of governments and civil society.
- 4.2** Adopt regional declarations or charters that are more catered to the conditions in the regions and that focus on regional collaboration for the promotion and support of democracy.
- 4.3** Map out the relationship between the regional organisations and ICNRD and procedures that need to be followed for collaborative efforts.
- 4.4** Undertake a series of activities to exchange experiences on coping with political, economic and social challenges of globalization and its impact on democratic governance; social responsibility in a globalizing world; rural and urban development and local participation and representation; participation and representation in the design and implementation of environmental and development programs; policy and capacity development required to achieve the MDGs.
- 4.5** Agree on modes of mutual assistance in the development of democratic institutions; share experiences in the development of a democratic culture; and develop programmes of assistance for countries undergoing democratic transitions;
- 4.6** Organise regular regional events within the framework of regional organisations or fora to assess progress of countries in the region in their democratic endeavours;
- 4.7** Undertake a series of regional meetings and workshops with the participation of academia and civil society to discuss the need for governance and democracy assessments, exchange views on

assessment methodologies and identify examples of good practice or innovative problem-solving in this area.

4.8 Create regional networks of policy-makers and civil society members to study conflict prevention and consensus-building in democracies and identify successful experiences to share with regional partners.

4.9 Undertake to set up regional networks of practitioners and stakeholders to promote democracy education curricula and share experiences in this area.

4.10 Promote regional dialogue on the promotion and protection of human rights and fundamental freedoms and create or consolidate regional monitoring mechanisms to assess the state of human rights and fundamental freedoms.

4.11 Promote regional dialogue to share experiences on strengthening electoral and political party systems.

4.12 Use information technology tools to create databases of regional treaties, agreements and declarations, and to share resources and experiences in democratic governance.

4.13 Promote development of international cooperation, particularly at the regional level, against corruption.

5. International Action

Recalling with appreciation the United Nations Secretary-General's Report (A/56/499, 23 October 2001) the Fifth ICNRD recommends that the United Nations General Assembly supports the following plan in promoting and supporting democracy:

5.1 Strengthen the Follow-up Mechanism by ensuring that:

5.1 a It is responsible for the follow-up on the implementation of this Plan of Action;

5.1 b The President or Bureau represent ICNRD at international for a when deemed necessary;

5.1 c The President of the Fifth ICNRD establishes, with the assistance of the United Nations, a working group to examine the conclusions of the Fifth Conference and proposals made in background papers submitted to and interventions made at the Fifth Conference with the aim of studying proposals for making the Conference even more effective and efficient and establishing a practical programme of work for future conferences;

5.1 d It coordinates with the International Civil Society Forum follow-up mechanism; and

5.1 e The President or the Bureau are urged to initiate discussions with the Chair of the Community of Democracies to exchange views on ways of bringing closer the two movements, in a complimentary manner.

R. THE COMMUNITY OF DEMOCRACIES

59. Toward a Community of Democracies Ministerial Conference

Final Warsaw Declaration: Toward Community of Democracies
Warsaw, Poland, June 27, 2000

We the participants from

Republic of Albania, People's Democratic Republic of Algeria, Argentine Republic, Republic of Armenia, Australia, Republic of Austria, Azerbaijani Republic, People's Republic of Bangladesh, Kingdom of Belgium, Belize, Republic of Benin, Republic of Bolivia, Bosnia and Herzegovina, Republic of Botswana, Federative Republic of Brazil, Republic of Bulgaria, Burkina Faso, Canada, Republic of Cape Verde, Republic of Chile, Republic of Colombia, Republic of Costa Rica, Republic of Croatia, Republic of Cyprus, Czech Republic, Kingdom of Denmark, Commonwealth of Dominica, Dominican Republic, Republic of Ecuador, Arab Republic of Egypt, Republic of El Salvador, Republic of Estonia, Republic of Finland, Georgia, Federal Republic of Germany, Republic of Guatemala, Republic of Haiti, Hellenic Republic, Republic of Hungary, Republic of Iceland, Republic of India, Republic of Indonesia, Ireland, State of Israel, Italian Republic, Japan, Hashemite Kingdom of Jordan, Republic of Kenya, Republic of Korea, State of Kuwait, Republic of Latvia, Kingdom of Lesotho, Principality of Liechtenstein, Republic of Lithuania, Grand Duchy of Luxembourg, former Yugoslav Republic of Macedonia, Republic of Madagascar, Republic of Malawi, Republic of Mali, Republic of Malta, Republic of Mauritius, Mexico, Republic of Moldova, Principality of Monaco, Mongolia, Kingdom of Morocco, Republic of Mozambique, Republic of Namibia, Kingdom of Nepal, Kingdom of the Netherlands, New Zealand, Republic of Nicaragua, Republic of the Niger, Federal Republic of Nigeria, Kingdom of Norway, Republic of Panama, Papua New Guinea, Republic of Paraguay, Republic of Peru, Republic of the Philippines, Republic of Poland, Portuguese Republic, State of Qatar, Romania, Russian Federation, Saint Lucia, Democratic Republic of Sao Tome and Principe, Republic of Senegal, Republic of Seychelles, Slovak Republic, Republic of Slovenia, Republic of South Africa, Kingdom of Spain, Democratic Socialist Republic of Sri Lanka, Kingdom of Sweden, Swiss Confederation, United Republic of Tanzania, Kingdom of Thailand, Republic of Tunisia, Republic of Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Eastern Republic of Uruguay, Bolivarian Republic of Venezuela, Republic of Yemen,

in the Community of Democracies Ministerial Meeting convened in Warsaw, 26 - 27 June 2000:

Expressing our common adherence to the purposes and principles set forth in the Charter of the United Nations and the Universal Declaration of Human Rights,

Reaffirming our commitment to respect relevant instruments of international law,

Emphasizing the interdependence between peace, development, human rights and democracy,

Recognizing the universality of democratic values,

Hereby agree to respect and uphold the following core democratic principles and practices:

- The will of the people shall be the basis of the authority of government, as expressed by exercise of the right and civic duties of citizens to choose their representatives through regular, free and fair elections with universal and equal suffrage, open to multiple parties, conducted by secret ballot, monitored by independent electoral authorities, and free of fraud and intimidation.
- The right of every person to equal access to public service and to take part in the conduct of public affairs, directly or through freely chosen representatives.
- The right of every person to equal protection of the law, without any discrimination as to race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
- The right of every person to freedom of opinion and of expression, including to exchange and receive ideas and information through any media, regardless of frontiers.
- The right of every person to freedom of thought, conscience and religion.
- The right of every person to equal access to education.
- The right of the press to collect, report and disseminate information, news and opinions, subject only to restrictions necessary in a democratic society and prescribed by law, while bearing in mind evolving international practices in this field.
- The right of every person to respect for private family life, home, correspondence, including electronic communications, free of arbitrary or unlawful interference.
- The right of every person to freedom of peaceful assembly and association, including to establish or join their own political parties, civic groups, trade unions or other organizations with the necessary legal guarantees to allow them to operate freely on a basis of equal treatment before the law.
- The right of persons belonging to minorities or disadvantaged groups to equal protection of the law, and the freedom to enjoy their own culture, to profess and practice their own religion, and use their own language.
- The right of every person to be free from arbitrary arrest or detention; to be free from torture and other cruel, inhumane or degrading treatment or punishment; and to receive due process of law, including to be presumed innocent until proven guilty in a court of law.
- That the aforementioned rights, which are essential to full and effective participation in a democratic society, be enforced by a competent, independent and impartial judiciary open to the public, established and protected by law.
- That elected leaders uphold the law and function strictly in accordance with the constitution of the country concerned and procedures established by law.
- The right of those duly elected to form a government, assume office and fulfill the term of office as legally established.
- The obligation of an elected government to refrain from extra-constitutional actions, to allow the holding of periodic elections and to respect their results, and to relinquish power when its legal mandate ends.
- That government institutions be transparent, participatory and fully accountable to the citizenry of the country and take steps to combat corruption, which corrodes democracy.
- That the legislature be duly elected and transparent and accountable to the people.
- That civilian, democratic control over the military be established and preserved.
- That all human rights -- civil, cultural, economic, political and social -- be promoted and protected as set forth in the Universal Declaration of Human Rights and other relevant human rights instruments.

The Community of Democracies affirms our determination to work together to promote and strengthen democracy, recognizing that we are at differing stages in our democratic development. We will cooperate to consolidate and strengthen democratic institutions, with due respect for

sovereignty and the principle of non-interference in internal affairs. Our goal is to support adherence to common democratic values and standards, as outlined above. To that end, our governments hereby agree to abide by these principles in practice, and to support one another in meeting these objectives which we set for ourselves today.

We will seek to strengthen institutions and processes of democracy. We appreciate the value of exchanging experiences in the consolidation of democracy and identifying best practices. We will promote discussions and, where appropriate, create forums on subjects relevant to democratic governance for the purpose of continuing and deepening our dialogue on democratization. We would focus our deliberations on our common principles and values rather than extraneous bilateral issues between members. We resolve jointly to cooperate to discourage and resist the threat to democracy posed by the overthrow of constitutionally elected governments. We resolve to strengthen cooperation to face the transnational challenges to democracy, such as state-sponsored, cross-border and other forms of terrorism; organized crime; corruption; drug trafficking; illegal arms trafficking; trafficking in human beings and money laundering, and to do so in accordance with respect for human rights of all persons and for the norms of international law.

We will encourage political leaders to uphold the values of tolerance and compromise that underpin effective democratic systems, and to promote respect for pluralism so as to enable societies to retain their multi-cultural character, and at the same time maintain stability and social cohesion. We reject ethnic and religious hatred, violence and other forms of extremism. We will also promote civil society, including women's organizations, non-governmental organizations, labor and business associations, and independent media in their exercise of their democratic rights. Informed participation by all elements of society, men and women, in a country's economic and political life, including by persons belonging to minority groups, is fundamental to a vibrant and durable democracy.

We will help to promote government-to-government and people-to-people linkages and promote civic education and literacy, including education for democracy. In these ways we will strengthen democratic institutions and practices and support the diffusion of democratic norms and values.

We will work with relevant institutions and international organizations, civil society and governments to coordinate support for new and emerging democratic societies.

We recognize the importance our citizens place on the improvement of living conditions. We also recognize the mutually-reinforcing benefits the democratic process offers to achieving sustained economic growth. To that end, we will seek to assist each other in economic and social development, including eradication of poverty, as an essential contributing factor to the promotion and preservation of democratic development.

We will collaborate on democracy-related issues in existing international and regional institutions, forming coalitions and caucuses to support resolutions and other international activities aimed at the promotion of democratic governance. This will help to create an external environment conducive to democratic development.

60. Seoul Plan of Action
Democracy: Investing for Peace and Prosperity
November 12, 2002

We, the Participants in the Second Ministerial Conference of the Community of Democracies held in Seoul on 10-12 November 2002, affirm that the essential elements of representative democracy in all its forms are: respect for human rights – civil, political, economic, social and cultural – including freedom of expression, freedom of the press, and freedom of religion and conscience; access to and free exercise of power in accordance with the rule of law; the holding of periodic free and fair elections based on secret balloting and universal suffrage monitored by independent election authorities; freedom of association including the right to form independent political parties; separation of powers, especially an independent judiciary; and constitutional subordination of all state institutions, including the military, to the legally-constituted civilian authority. We also reaffirm the Warsaw Declaration which includes our common commitment to the purposes and principles of the UN Charter, the Universal Declaration of Human Rights, and fundamental principles of international law.

Recognizing the universality of these democratic values, the dedication of the Community of Democracies to promote and defend democracy, and the human rights and fundamental freedoms protected under democracy, we are committed to the continuous development of democracy domestically and the promotion of democracy regionally and globally. We, working as individual countries, within our regions and globally, adopt this Seoul Plan of Action with a view to accomplishing the following:

1. Regional Action

Recognizing that democratic countries are stronger economic, security, and political partners, and that the promotion of democratic ideals strengthens regional stability and cooperation, we intend to promote regional democratic progress, individually, through regional institutions, and through various measures including:

1-1. In each respective region, developing and fully implementing regional instruments which call upon regional partners to build democratic institutions, adhere to democratic principles, and provide assistance in this field to states which are in need of assistance using proper regional instruments;

1-2. Developing regional human rights and democracy monitoring mechanisms in order to consolidate regional potentialities to promote and protect human rights and democratic principles as well as to promote dialogue between countries on those issues and to remedy their violations;

1-3. Improving diplomatic engagement and dialogue with countries where respect for human rights, fundamental freedoms, and universally-accepted principles of democracy are in question, in order to highlight international concerns and promote democratic change;

1-4. Fighting corruption and upholding government integrity and good governance.

In addition, we further encourage states to consider various measures which may include:

1-5. Convening regional meetings of representatives of the government, political parties and civil society to:

- Review the state of democracy, including the human rights situation in the region;
- Share experiences and identify best practices in the region;
- Utilize lessons learned, including those applicable from other regions, to encourage and assist emerging democracies to develop and strengthen adherence to human rights and fundamental freedoms, and universally-accepted principles of democracy, as well as to regionally-agreed upon democracy charters;
- Develop or strengthen mechanisms in regional organizations' charters and procedures that promote democracy, inter alia, the Inter-American Democratic Charter approved on Sept 11, 2001 by American states, adopted following the appeal for regional initiatives included in the Warsaw Declaration.

1-6. Engaging regional and extra-regional partners to assist in democratic development and institution building.

2. Responding to Threats to Democracy

Recognizing the need to protect against threats to democracy including terrorism, the Community of Democracies may outline a series of measures that could be used with full respect for international law by countries individually, together or as members of international or regional organizations to promote, defend, strengthen or restore democratic institutions.

To prevent or respond to scenarios of violence against a democratic government, disruption of constitutional rule, persistent unconstitutional alteration of the democratic order, or support for terrorism, countries may need to resort, preferably within the framework of regional or international organizations, to a range of measures, including but not limited to:

2-1. In the particular case of terrorism, suspending bilateral relations, commerce with or aid to those states supporting terrorism and aid, support or linkages to non-state organizations supporting terrorism and, as appropriate, upon determination by the UN Security Council;

2-2. Adopting and complying with all their obligations in the 12 UN Conventions against Terrorism, and the mechanism adopted by the UN Security Council Committee established pursuant to Res. 1373 (2001), concerning counter-terrorism (the Counter-Terrorism Committee).

2-3. Creating a cadre of trained experts able to assist countries facing a threat to their democracy;

2-4. Developing monitoring systems for democratic crises so that early assistance can be provided to support democracy;

2-5. Considering convening countries when needed to coordinate diplomatic or other efforts or political mediation;

2-6. Providing recommendations based on an on-site analysis in order to uphold democratic principles and human rights;

2-7. Supporting actions through rapid consideration mechanisms by regional and international organizations;

2-8. Enhancing existing regional and international instruments and democracy clauses, e.g. by strengthening positive economic incentives, and by preventing not only ruptures in but also the deterioration of democracy;

2-9. Offering good offices to assist, as needed, governments, other political actors, civil society, and public institutions to produce an accord committing to prescribed remedial measures;

2-10. Providing long-term technical support or monitors to strengthen democratic institutions, election process and reform efforts;

In accordance with the principles articulated in the Warsaw Declaration, the Community of Democracies, through as wide consultations as possible with its participants, will not include those countries where there is currently a disruption of constitutional rule or severe persistent erosion of or lack of essential elements of democracy.

3. Education for Democracy

Recognizing that education at all levels is a fundamental component for ensuring citizens are aware of their rights and civic duties as members of a democratic society, equipped with the basic skills for effective participation in public affairs, and that an educated citizenry is essential to the development, maintenance, and strengthening of democratic institutions and growth, we intend to encourage States and all relevant levels of government in our respective countries to promote a culture of democracy through education for democracy by:

3-1. Strengthening public education through:

- Encouraging the development of human capacity to empower an educated public who can participate in the national decision-making process;
- Seeking to ensure universal primary education;
- Adapting public education curricula to further incorporate the promotion and understanding of democracy, and democratic principles and institutions;
- Providing training to teachers to enable them to better inform students at all learning levels of democratic principles and human rights;
- Seeking to guarantee full access to education for all citizens, with specific emphasis on such access for women and girls.

3-2. Organizing public information campaigns regarding democracy, civil rights and civic responsibilities.

3-3. Encouraging the media to play a role in public education and in spreading democratic values.

4. Promoting Stronger Democracies through Good Governance

Recognizing that transparency and accountability are a democratic government's responsibility to its citizens, we intend to build strong democratic institutions and practices that are the backbone of good governance through:

4-1. Promoting the rule of law by:

- Seeking to ensure that government decision-making is open and transparent and that citizens have access, including via electronic means, to information concerning government action, laws, court decisions, procurement decisions and legislative proceedings and establishing freedom of information legislation;
- Implementing or strengthening, if necessary, constitutional and other safeguards for the independence and impartiality of the judiciary, including establishing procedures to ensure a professional corps of judges;
- Establishing any mechanisms that may be needed to ensure high standards of competence and conduct from prosecutors, defense attorneys and other members of the legal profession;
- Establishing the necessary legal, judicial, and enforcement mechanisms to ensure that basic democratic principles and human rights are fully enforced, particularly through the development and implementation of regular training procedures for military and police;
- Promoting implementation of good governance practices and enforcement of anticorruption measures and providing support for negotiations to finalize a UN convention against corruption;
- Seeking to ensure open and transparent budgetary procedures that provide for oversight by an independent legislature;
- Encouraging the involvement of civil society in the process of governance at the local, national and international levels.

4-2. Alleviating poverty and promoting economic growth by:

- Strengthening good governance as a critical foundation for economic development;
- Adopting policies which prioritize and promote sustainable social and economic development;
- Promoting transparency and openness;
- Stimulating social policies to fight exclusion, with due consideration to gender perspective and social inequalities derived from racial discrimination;
- Encouraging popular participation in national economic development and the decision-making processes;
- Recognizing the urgent need to develop ways to strengthen and sustain democracies to address social demands, boost economic development and support democratic stability and good governance.

4-3. Building and sustaining a strong political party system and a healthy civil society by:

- Creating a favorable environment, including a strong legal framework, for the development of political parties and their free engagement in political developments, elections, and responding to the interests of various segments of society;
- Establishing mechanisms to promote transparency in political parties' financing;
- Guaranteeing freedom of expression for individuals, including media outlets and journalists, engaging in the public exchange of ideas;
- Establishing constitutional protection of and mechanisms for the involvement of civil society in the governance process and developing a regular government-civil society dialogue;

- Supporting non-governmental groups that inform citizens of their rights and responsibilities, that help engage citizens with their government, that advocate democratic values and that assist people in developing basic skills needed for effective participation in public affairs;
- Encouraging the efforts of the public and private sectors to achieve equality between women and men in their ranks, including in terms of their participation in decision-making bodies;
- Protecting and promoting the equal rights of women and men to engage in political activities, including membership in political parties and trade unions;
- Providing opportunities for citizens and civil society organizations to participate in government at the local level, including through town councils.

5. Volunteerism: Toward a Stronger Civil Society

Recognizing that active involvement in the community strengthens an individual, those served, and the community as a whole; contributes to a vibrant civil society; and encourages partnership among citizens, civil society organizations, and governments, we intend to promote volunteerism by:

5-1. Encouraging our citizens to volunteer service domestically or internationally in the interest of promoting democracy and civil society;

5-2. Minimizing obstacles or legal limitations to volunteerism;

5-3. Urging public and private sector groups to encourage their workforces to volunteer and to forge partnerships with volunteer activities;

5-4. Highlighting the importance of volunteerism.

6. Coordinating Democracy Assistance

As democracy assistance has increased over the past decade, it has raised the need to ensure effective coordination in order to multiply effectiveness, create synergy, and avoid duplication in some areas while other important areas are under-assisted. While coordination at the country level has improved in certain instances, there is room for continued improvement for democracy promotion policies. The Community of Democracies intends to:

6-1. Identify assistance methods including those that most effectively facilitate free and fair elections, help countries develop an independent judiciary and accountable government institutions, and strengthen political parties, the free press, civil society groups, and a democratic political culture.

7. Procedures

The Convening Group will continue to meet regularly and be available to offer support and advice to participating states for actions taken within regional or international organizations following and based on the valuable experience gained in the past two years. In close consultation and cooperation with the Community of Democracies' interested participants, Convening Group will encourage the formation, among others, of coalitions and caucuses to support democracy. The Convening Group thereby aims to identify means of facilitating action, sharing information

about developments of and to discuss means of promoting and consolidating democracy in the respective regions. The Convening Group will also be available as a means of bridging regions and regional organizations to promote the sharing of best practices and ideas.

The Convening Group will follow up on the progress in the implementation of the Seoul Plan of Action and report to the Third Ministerial Conferen

IV. INTER-PARLIAMENTARY ORGANISATIONS

S. INTER-PARLIAMENTARY UNION (IPU)

61. Universal Declaration on Democracy

*Declaration adopted by the Inter-Parliamentary Council at its 161st session
(Cairo, 16 September 1997)*

The Inter-Parliamentary Council,

Reaffirming the Inter-Parliamentary Union's commitment to peace and development and *convinced* that the strengthening of the democratisation process and representative institutions will greatly contribute to attaining this goal,

Reaffirming also the calling and commitment of the Inter-Parliamentary Union to promoting democracy and the establishment of pluralistic systems of representative government in the world, and wishing to strengthen its sustained and multiform action in this field,

Recalling that each State has the sovereign right, freely to choose and develop, in accordance with the will of its people, its own political, social, economic and cultural systems without interference by other States in strict conformity with the United Nations Charter,

Recalling also the Universal Declaration of Human Rights adopted on 10 December 1948, as well as the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights adopted on 16 December 1966, the International Convention on the Elimination of All Forms of Racial Discrimination adopted on 21 December 1965 and the Convention on the Elimination of All Forms of Discrimination Against Women adopted on 18 December 1979,

Recalling further the Declaration on Criteria for Free and Fair Elections which it adopted in March 1994 and in which it confirmed that in any State the authority of the government can derive only from the will of the people as expressed in genuine, free and fair elections,

Referring to the Agenda for Democratisation presented on 20 December 1996 by the UN Secretary-General to the 51st session of the United Nations General Assembly,

Adopts the following **Universal Declaration on Democracy** and *urges* Governments and Parliaments throughout the world to be guided by its content:

FIRST PART - THE PRINCIPLES OF DEMOCRACY

1. Democracy is a universally recognised ideal as well as a goal, which is based on common values shared by peoples throughout the world community irrespective of cultural, political, social and economic differences. It is thus a basic right of citizenship to be exercised under conditions of freedom, equality, transparency and responsibility, with due respect for the plurality of views, and in the interest of the polity.

2. Democracy is both an ideal to be pursued and a mode of government to be applied according to modalities which reflect the diversity of experiences and cultural particularities without derogating from internationally recognised principles, norms and standards. It is thus a constantly perfected and always perfectible state or condition whose progress will depend upon a variety of political, social, economic, and cultural factors.

3. As an ideal, democracy aims essentially to preserve and promote the dignity and fundamental rights of the individual, to achieve social justice, foster the economic and social development of the community, strengthen the cohesion of society and enhance national tranquillity, as well as to create a climate that is favourable for international peace. As a form of government, democracy is the best way of achieving these objectives; it is also the only political system that has the capacity for self-correction.

4. The achievement of democracy presupposes a genuine partnership between men and women in the conduct of the affairs of society in which they work in equality and complementarity, drawing mutual enrichment from their differences.

5. A state of democracy ensures that the processes by which power is acceded to, wielded and alternates allow for free political competition and are the product of open, free and non-discriminatory participation by the people, exercised in accordance with the rule of law, in both letter and spirit.

6. Democracy is inseparable from the rights set forth in the international instruments recalled in the preamble. These rights must therefore be applied effectively and their proper exercise must be matched with individual and collective responsibilities.

7. Democracy is founded on the primacy of the law and the exercise of human rights. In a democratic State, no one is above the law and all are equal before the law.

8. Peace and economic, social and cultural development are both conditions for and fruits of democracy. There is thus interdependence between peace, development, respect for and observance of the rule of law and human rights.

SECOND PART - THE ELEMENTS AND EXERCISE OF DEMOCRATIC GOVERNMENT

9. Democracy is based on the existence of well-structured and well-functioning institutions, as well as on a body of standards and rules and on the will of society as a whole, fully conversant with its rights and responsibilities.

10. It is for democratic institutions to mediate tensions and maintain equilibrium between the competing claims of diversity and uniformity, individuality and collectivity, in order to enhance social cohesion and solidarity.

11. Democracy is founded on the right of everyone to take part in the management of public affairs; it therefore requires the existence of representative institutions at all levels and, in particular, a Parliament in which all components of society are represented and which has the requisite powers and means to express the will of the people by legislating and overseeing government action.

12. The key element in the exercise of democracy is the holding of free and fair elections at regular intervals enabling the people's will to be expressed. These elections must be held on the basis of universal, equal and secret suffrage so that all voters can choose their representatives in conditions of equality, openness and transparency that stimulate political competition. To that end, civil and political rights are essential, and more particularly among them, the rights to vote and to be elected, the rights to freedom of expression and assembly, access to information and the right to organise political parties and carry out political activities. Party organisation, activities, finances, funding and ethics must be properly regulated in an impartial manner in order to ensure the integrity of the democratic processes.

13. It is an essential function of the State to ensure the enjoyment of civil, cultural, economic, political and social rights to its citizens. Democracy thus goes hand in hand with an effective, honest and transparent government, freely chosen and accountable for its management of public affairs.

14. Public accountability, which is essential to democracy, applies to all those who hold public authority, whether elected or non-elected, and to all bodies of public authority without exception. Accountability entails a public right of access to information about the activities of government, the right to petition government and to seek redress through impartial administrative and judicial mechanisms.

15. Public life as a whole must be stamped by a sense of ethics and by transparency, and appropriate norms and procedures must be established to uphold them.

16. Individual participation in democratic processes and public life at all levels must be regulated fairly and impartially and must avoid any discrimination, as well as the risk of intimidation by State and non-State actors.

17. Judicial institutions and independent, impartial and effective oversight mechanisms are the guarantors for the rule of law on which democracy is founded. In order for these institutions and mechanisms fully to ensure respect for the rules, improve the fairness of the processes and redress injustices, there must be access by all to administrative and judicial remedies on the basis of equality as well as respect for administrative and judicial decisions both by the organs of the State and representatives of public authority and by each member of society.

18. While the existence of an active civil society is an essential element of democracy, the capacity and willingness of individuals to participate in democratic processes and make governance choices cannot be taken for granted. It is therefore necessary to develop conditions conducive to the genuine exercise of participatory rights, while also eliminating obstacles that prevent, hinder or inhibit this exercise. It is therefore indispensable to ensure the permanent enhancement of, inter alia, equality, transparency and education and to remove obstacles such as ignorance, intolerance, apathy, the lack of genuine choices and alternatives and the absence of measures designed to redress imbalances or discrimination of a social, cultural, religious and racial nature, or for reasons of gender.

19. A sustained state of democracy thus requires a democratic climate and culture constantly nurtured and reinforced by education and other vehicles of culture and information. Hence, a democratic society must be committed to education in the broadest sense of the term, and more particularly civic education and the shaping of a responsible citizenry.

20. Democratic processes are fostered by a favourable economic environment; therefore, in its overall effort for development, society must be committed to satisfying the basic economic needs of the most disadvantaged, thus ensuring their full integration in the democratic process.

21. The state of democracy presupposes freedom of opinion and expression; this right implies freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

22. The institutions and processes of democracy must accommodate the participation of all people in homogeneous as well as heterogeneous societies in order to safeguard diversity, pluralism and the right to be different in a climate of tolerance.

23. Democratic institutions and processes must also foster decentralised local and regional government and administration, which is a right and a necessity, and which makes it possible to broaden the base of public participation.

THIRD PART - THE INTERNATIONAL DIMENSION OF DEMOCRACY

24. Democracy must also be recognised as an international principle, applicable to international organisations and to States in their international relations. The principle of international democracy does not only mean equal or fair representation of States; it also extends to the economic rights and duties of States.

25. The principles of democracy must be applied to the international management of issues of global interest and the common heritage of humankind, in particular the human environment.

26. To preserve international democracy, States must ensure that their conduct conforms to international law, refrain from the use or threat of force and from any conduct that endangers or violates the sovereignty and political or territorial integrity of other States, and take steps to resolve their differences by peaceful means.

27. A democracy should support democratic principles in international relations. In that respect, democracies must refrain from undemocratic conduct, express solidarity with democratic governments and non-State actors like non-governmental organisations which work for democracy and human rights, and extend solidarity to those who are victims of human rights violations at the hands of undemocratic régimes. In order to strengthen international criminal justice, democracies must reject impunity for international crimes and serious violations of fundamental human rights and support the establishment of a permanent international criminal court.

62. Ensuring Lasting Democracy by Forging Close Links Between Parliament and the People

Resolution adopted by the 98th Inter-Parliamentary Conference (Cairo, 15 September 1997)

The 98th Inter-Parliamentary Conference,

Convinced that the dignity of the individual is inviolable,

Believing that respect for human rights is not only a fundamental value, but also a crucial element in the development of stable, democratic and prosperous societies at peace with each other, and convinced that the rights of women and children are inherent in human rights,

Convinced that respect for human rights is a prerequisite for peace within individual States, as well as for peaceful good-neighbourly relations between States,

Also convinced that a parliament elected freely and fairly is the best guarantee of human dignity and the prosperity of citizens,

Appreciating that democracy offers the best framework for citizens to develop their creativity and potential and contribute to the establishment, development and preservation of their society,

Convinced that access to education and information is vital to citizens' participation in society,

Stressing that the principles of democracy may be applied differently, according to the culture, history and constitution of each nation,

Observing nonetheless that democracy presupposes that:

- The people have the power to decide programmes and policies directly or through representatives chosen in free and fair elections;
- Those in power are effectively given the means to manage the country;
- Those in power are accountable to the people,

Believing that good governance ensures the effective, honest, equitable, accessible, accountable and transparent exercise of power by governments,

Convinced that a representative democracy can only endure if citizens trust constitutional processes and institutions and if legislators earn their respect,

Reasserting that parliament is the true and legitimate representative of the people, and emphasising the need therefore to strengthen links between this institution, its members and the people,

Aware that parliament has an obligation to provide citizens with information about its work,

Convinced that elected parliamentarians have a duty to be fully informed of citizens' circumstances and problems through constant communication with their constituents,

Acknowledging that the media have an important role to play in facilitating communication between parliament and citizens,

Further acknowledging the important role which various groups and institutions play in a democracy by articulating diverse sociocultural, political and economic issues,

Aware that in every society, peaceful conditions in which candidates, representatives and the people are not subject to violence or intimidation are essential for the smooth functioning of the democratic process,

Welcoming the role played by the Inter-Parliamentary Union in strengthening the ties of friendship between parliaments and parliamentarians and, through them, between peoples, and conscious of the need for confidence in political processes, parties, parliaments and parliamentarians,

1. Calls on all States to safeguard free and fair elections without any discrimination, in conformity with the Declaration on Criteria for Free and Fair Elections adopted by the Inter-Parliamentary Council in Paris in March 1994;
2. *Urges* States to condemn and take action against all acts of violence against the people's representatives, candidates and the people themselves;
3. Further urges States to safeguard the role of parliaments and political institutions so as to enable parliamentarians to play their role properly and freely, inter alia by adopting legislation, overseeing the government and debating major societal issues;
4. Calls on States to ensure citizens' unrestricted and permanent access to education and information and, in this regard, recognises the value of new technologies for parliamentary work;
5. Also calls on States to recognise and accommodate diversity as a guarantee of democracy in a pluralist society;
6. Further calls on States to strengthen representative parliamentary democracy with constitutional instruments, including petitions and referenda, parliamentary recall and the right to initiate legislation, wherever these may be appropriate and feasible in the light of the constitutional system and established political culture;
7. Appeals to parliaments and governments to ensure that citizens are aware of their democratic rights and responsibilities regarding their participation in the democratic process and to see to it that legislation is drafted in clear and simple language which is comprehensible to citizens;
8. Emphasises the need to foster direct contacts between parliamentarians and citizens through meetings and discussions at all levels, nationally and internationally;
9. Calls on parliaments to ensure, through an open and accessible public information policy, accurate and comprehensive reporting of the work of parliamentarians in the media;
10. Also emphasises the need to ensure unrestricted, objective, ethical and unbiased reporting by the media on the work of parliament and parliamentarians;
11. *Encourages* National Groups to consider each of the cases in the report of the IPU Committee on the Human Rights of Parliamentarians and to take appropriate follow-up action in their favour.

63. Parliaments' Role in Strengthening Democratic Institutions and Human Development in a Fragmented World

*Resolution adopted unanimously by the 108th Conference
(Santiago de Chile, 11 April 2003)*

The 108th Inter-Parliamentary Conference,

Reaffirming the principles enshrined in the IPU's "Universal Declaration on Democracy" adopted by the Inter-Parliamentary Council at its 161st session (September 1997, Cairo),

Recalling the Declaration of Presiding Officers of National Parliaments entitled "The Parliamentary Vision for International Cooperation at the Dawn of the Third Millennium", adopted on 1 September 2000,

Recalling also the United Nations Millennium Declaration of 8 September 2000 which sets out the Millennium Development Goals as internationally agreed targets for poverty eradication, and the United Nations Development Programme (UNDP) Human Development Report 2002,

Reaffirming that democracy is both an ideal to be pursued and a mode of government to be applied according to modalities which reflect the diversity of experiences and cultural particularities without derogating from internationally recognised principles and norms and that it is thus a constantly perfected and always perfectible state or condition whose progress will depend upon a variety of political, social, economic and cultural factors,

Acknowledging that national parliaments represent the basis for good governance grounded on democratic institutions responsive to the needs of the people, the rule of law, anti-corruption measures, gender equality and a favourable atmosphere and environment for investment,

Recognising that parliamentary institutions make an indispensable contribution to the achievement of meaningful democratic control and accountability through their scrutiny of the activities of governments, by:

- Relying on their constitutional authority to authorise, among other government legislative initiatives, the revenue-raising and spending measures of governments as a means of ensuring their cooperation,
- Conducting substantive scrutiny using a variety of practices that are specific to individual jurisdictions, including oral question periods and the entitlement to address written questions to ministers, committee hearings and other practices that support financial scrutiny,
- Providing citizens, both directly and through the mass media, with the information needed to hold governments accountable and to contribute constructively to the processes used to produce policy and legislation relating to democratisation and human development, both at home and abroad,

Emphasising the central role of democratic institutions in ensuring successful long-term human development, by:

- Using effective electoral, parliamentary and other mechanisms to create the conditions for ensuring that governments are responsive to the needs and interests of the governed,
- Ensuring that governments maintain the levels of popular legitimacy required both for effective governmental action with respect to human development and other issues, and for the civil order that is a precondition for effective governance,

Stressing the important role of parliaments as legitimate representatives of the people in strengthening democratisation in multilateral institutions and furthering human development,

Convinced that respect for human rights is not only a fundamental value in itself but also essential to developing stable, democratic and prosperous societies that are capable of living together in peace,

Recognising that education is a key to human development, and acknowledging that parliaments have a vital responsibility to guarantee free universal education without any discrimination whatsoever, as this hastens the pace of economic, social and political development and fosters cultural and spiritual advancement,

Noting that countries that have developed effective macroeconomic policies, established robust public institutions, maintained domestic political stability and strengthened the rule of law, supported by investments in people through better health and education, have generally achieved strong economic growth and made progress towards poverty reduction,

Convinced that the side-effects of globalisation and certain policies are, in some cases, inconsistent with the very concept of human development, and stressing the need for developing countries to realise that any progress, whether economic or social, is contingent upon their ability to create the necessary national will to face the challenges imposed on them by the new global system,

Stressing that persistent extreme poverty deprives citizens of full and effective enjoyment of human rights and of participation in democratic processes in each society,

Concerned that efforts to build strong democratic institutions while working towards sustainable human development encounter numerous challenges, such as poverty, corruption, globalisation, lack of resources, discrimination, transnational crime, civil strife, environmental degradation and overpopulation,

Expressing concern at the growth of terrorism, which poses a serious threat to democratic institutions, and its repercussions on human development,

Also expressing concern at the growing divide between rich and poor countries,

Emphasising the need to grant debt relief to the poor countries, address the causes of debt and take measures to ensure that indebtedness does not recur,

Stressing the need to redouble efforts to combat HIV/AIDS,

Recognising that volunteerism builds strong cohesive communities, encourages participation in the democratic process and reduces social tensions by forging a common view,

1. *Urges* governments and parliaments to acknowledge their collective responsibility to uphold the principles of human dignity, equality and equity at the global level;
2. Calls on all the parliaments in the world to work for democracy based on the freely expressed will of the people through free and fair elections to choose their own political, economic, social and cultural systems and participate fully in every sphere of their lives and, in this context, to affirm the universal need to promote and protect human rights and fundamental freedoms at the national and international levels;
3. Calls on governments to promote the participation of all sections of society, in particular women, the disadvantaged and minorities, in the decision-making process;
4. Urges the governments and parliaments of all countries to foster participation by their citizens in political decision-making, shielded from undue interference from institutionalised pressure groups, by creating, through democratic means, decentralised representative institutions vested with real power and endowed with adequate financial resources, and instituting channels for this purpose that are consistent with the spirit of their Constitution and traditions;
5. Stresses the need to reinforce cooperation between the United Nations and its organs and agencies and national parliaments with a view to furthering peace, security and development, abiding strictly by the principles of human dignity and equity;
6. Urges all States and multilateral institutions, including the IPU, to continue providing practical support to strengthen political structures such as parliaments and their committees, local governments, electoral commissions and political parties and to uphold democratic processes, and particularly free elections, so that these essential political systems operate with sufficient power, responsibility and authority to reflect the interests of the people as a whole; in this regard, encourages the IPU and the UNDP to pursue their cooperation in strengthening parliamentary institutions, and in implementing a strategic partnership within their respective development agendas;
7. Stresses the need for parliaments to submit regular reports on the state of democracy and human development in the world, to serve as working and consultative papers for the drafting of national policy;
8. Encourages all States to ratify and implement the international human rights instruments in their widest possible sense, which constitute the basis of democracy;
9. Urges the United Nations to extend the 1965 Convention on the Elimination of All Forms of Racial Discrimination to cover any form of political activity that derives from hate and violence;
10. Recommends the development of the natural function of parliament as the mediator between the public and international organisations and institutions, and parliament's systematic rapprochement with the NGOs that play a major role within civil society;
11. *Requests* the IPU Secretary General to arrange for the IPU to make a substantive contribution, including the circulation of a document on the IPU and democracy, to the 5th International Conference of New or Restored Democracies in June 2003 in Ulaanbaatar (Mongolia);
12. Stresses the urgent need to reform existing multilateral institutions by promoting democratic principles to ensure that their policies and programmes meet the interests of and benefit all nations; and reaffirms that the United Nations is the only legitimate multilateral institution responsible for world peace and security and must perform its role and functions in compliance with the principles of international law and its Charter;
13. Urges parliaments around the world to make maximum use of existing processes for exerting legislative influence, financial control, scrutiny and accountability in support of a global democratisation and human development agenda, and to experiment with special debates, public consultations, committee studies and other initiatives designed to mobilise

- governments and world public opinion in favour of democratic institutions and human development;
14. Encourages parliaments to develop parliamentary diplomacy activities and to strengthen bilateral and multilateral cooperation;
 15. Urges parliaments, in this regard, to devote ever closer attention to international issues and particularly to development financing, debt, poverty reduction, human rights, gender equality, the rights of the child, and the right to education, and to routinely take account of this dimension when legislating;
 16. Also urges parliaments to put into place the necessary structures to monitor and oversee the international negotiations conducted by governments, particularly when they need to be subsequently enacted into legislation;
 17. Requests governments to ensure that all useful information relating to such negotiations is submitted to parliament, both in the negotiation phase and when implementing decisions, encompassing all texts, including those which do not require enactment into domestic law;
 18. Emphasises the central role of the Inter-Parliamentary Union, as the world organisation of parliaments, in making a key contribution to strengthening democracy in its relations with international institutions and to keeping world peace;
 19. Acknowledges that, to achieve peace and security through social and economic stability, international institutions must offer the countries of the world the aid required to ensure reasonable standards of living, in contrast to the present disparities between rich and poor countries;
 20. Underscores the importance of establishing an international and regional strategy for human development focused on attaining sustainable economic growth and combating poverty, and of supporting and expanding integration-promoting institutions through national political participation in policy formulation and legislative decision-making, with continuous re-evaluation;
 21. Requests all parliaments to urge their governments to adopt measures to effectively enable them to honour the undertaking made by all the United Nations Member States in the Millennium Declaration, and to work jointly to establish more egalitarian processes in which all citizens in every country can participate;
 22. Also requests all countries to make a firm pledge to human development and take all appropriate measures to increase current social expenditure allocated in their budgets for human development;
 23. Calls on the parliaments of the developed countries to work towards the goal of earmarking at least 0.7 per cent of GNP as Official Development Assistance for global human development;
 24. Further calls on all parliaments and parliamentarians to enact not only measures that focus on facilitating economic growth, but more particularly those that empower people and promote their welfare and development;
 25. Endorses the Brussels Declaration, and the Programme of Action for the Least Developed Countries for the Decade 2001-2010, adopted by the United Nations General Assembly in its resolution 55/279 of 12 July 2001, and emphasises, in particular, the need for the effective implementation of Commitment 2 of the Programme relating to good governance at the national and international levels, and of Commitment 7 relating to necessary implementation of the Programme at the national level;
 26. Requests the IPU to devote special attention to the LDCs in its programmes and activities focusing on the areas of good governance at the national and international levels, and also requests parliaments to play a supportive role in ensuring the effective implementation of the Brussels Programme of Action at the national level;

27. *Strongly endorses* the resolution adopted by the IPU Council at its 168th session on 7 April 2001, expressing support for volunteerism and encouraging closer cooperation between the IPU and the United Nations Volunteers in this regard.

64. Report of the Parliamentary Forum on the occasion of the Fifth Conference of New or Restored Democracies

Ulaanbaatar (Mongolia) 11 September 2003

DECLARATION

We, Members of Parliament, meeting on the occasion of the Fifth International Conference of New or Restored Democracies, hereby adopt the following Declaration and urge Governments and Parliaments to be guided by it as they work together for the furtherance of democracy worldwide.

We reassert our commitment to the principles enshrined in the Universal Declaration on Democracy adopted by the Inter-Parliamentary Union and we urge parliaments and governments to continue to be inspired by these principles.

Democracy is a universally recognised ideal, based on values common to people everywhere regardless of cultural, political, social and economic differences. Democracy is equally a political system that enables people to choose freely an effective, honest, transparent and accountable government.

Democracy is based on two core principles: accountability and participation. Everyone has the right to access information on government activities, to petition government and to seek redress through impartial administrative and judicial mechanisms. Likewise, everyone has the right to participate in the management of public affairs. Thus, democracy requires representative institutions at all levels and, in particular a Parliament in which all components of society are represented.

Holding free and fair elections at regular intervals enabling the people's will to be expressed represents a key element in the exercise of democracy. They must be held on the basis of universal, equal and secret suffrage so that all voters can choose their representatives in conditions of equality, openness and transparency that stimulate political competition.

Human rights

Democracy is inseparable from human rights and is founded on the rule of law. It aims essentially to preserve and promote the dignity and fundamental human rights of the individual, to achieve social justice and foster economic and social development. Judicial institutions and independent, impartial, effective oversight mechanisms are guarantors of the rule of law.

We undertake to continue to work towards the defence and promotion of human rights. In this context, special attention shall be paid to the protection of the rights of minorities and the disadvantaged in a spirit of tolerance and mutual respect.

Partnership between men and women

Democracy cannot be achieved without a genuine partnership between men and women in the conduct of the affairs of society in which they work in equality and complementarity, drawing mutual enrichment from their differences. Indeed, we consider gender justice and equity as an

essential ingredient of democracy. We pledge therefore to continue to work towards greater participation of women in decision-making processes. To this effect, we undertake to promote the necessary structural and legislative measures and to ensure that these are actually implemented.

Freedom of expression and role of media

The free flow of ideas by word and by image is a key element of democracy. Democracy must therefore guarantee the freedom to hold opinions without interference as well as the right to seek, receive and impart information and ideas. We stress the important role of the media in this respect. We pledge to enact effective laws and regulations to maximise the freedom of information. We further encourage plurality in the ownership of the media as a means of promoting greater freedom of expression.

Transparency and accountability

Democracy thrives on effective, honest and transparent government, freely chosen and accountable for its management of public affairs. We reassert our determination to promote a sense of ethics and integrity in public life and to combat corruption. We undertake to strengthen internal mechanisms, including preventive, investigative and enforcement capacity and guaranteeing public access to information.

As representatives of the people, we should set the example and we hereby undertake to establish codes of conduct for parliamentarians and other public officials (or strengthen existing ones as the case may be) and to implement them in a manner that fosters integrity and public trust and confidence in public institutions.

We undertake to work towards more effective parliamentary oversight processes and structures, including strong committees, parliamentary hearings, and efficient auditing mechanisms. We shall continue to guarantee a role for the opposition and to institute parliamentary procedures and propitious conditions that enable them to participate fully in the decision-making process at all levels in parliament.

Democracy and sustainable development

For democracy to develop, it needs to be accompanied by sustainable economic and social development that eradicates illiteracy, hunger and abject poverty. We pledge to work towards systems of democratic governance that lay emphasis on the welfare of the people and the protection of their interests, on the basis of political freedom, popular participation, respect for human rights, justice and equality.

We stress the important role of the UN and urge it to take a leading role in supporting developing democracies with a view to achieving sustainable development. We urge the more developed democracies to continue to provide special assistance to the developing democracies so as to enable them to meet the challenges of national development.

We request international organisations such as the United Nations and the Inter-Parliamentary Union to undertake studies that establish the clear linkages between democracy and development and propose concrete measures for ensuring effective synergies between the two.

We stress the need for democracy to be implemented not only at the national and international levels but also at the grassroots level. We therefore call for greater decentralisation of the government decision-making processes, more effective systems of local governance as essential factors for development and the full enjoyment of the fruits of democracy.

Terrorism: a threat to democracy

We recognise that terrorism is a major threat to democracy. It undermines the functioning of democratic institutions and poses a threat to world peace and stability. We pledge our support for the continued effort to combat terrorism, notably in the framework of the United Nations. We stress that terrorism should not be linked to any particular race or religion and that the war on terrorism should not be used as a pretext to violate human rights and freedoms.

International co-operation and globalisation

Democracy needs to be applied not only at the national but also at international level. This means that the functioning of state institutions as well as that of international organisations should be based on the founding principles of democracy, that include transparency and accountability.

We stress the importance of parliaments' participation in the international decision-making process, including in the field of trade, to ensure that decisions thus taken are commensurate with the interests and aspirations of the people. Parliaments have a pivotal role in monitoring and overseeing international agreements negotiated by governments, through participation in representative parliamentary assemblies.

Role of parliaments

Parliament plays a primordial role in the promotion of democracy. It must be representative of the will of the people and therefore reflect the diversity of all components of society. It must have constitutionally guaranteed powers to legislate and oversee government action.

We stress the importance of guaranteeing the independence of parliament and ensuring that its members enjoy freedom of expression. We consider it crucial that parliaments be a forum for the expression of the plurality of opinions that reflect the divergent interests of society. Respect for parliamentary immunities and ensuring the security of the parliamentary mandate are essential.

Parliament must also have access to adequate material, human and financial resources. It is important for parliamentarians and parliamentary staff to have adequate capacity to perform their functions effectively. We encourage donors to continue to provide capacity-building assistance to parliaments in developing countries and emerging democracies to enable them to establish effective parliamentary processes and structures.

It is important that, in the interest of the people, the Government and Parliament work in a spirit of healthy co-operation, while respecting each other's prerogatives, powers and independence. We encourage governments to continue to co-operate with parliaments in this spirit, including through enhancing parliament's access to information necessary for parliamentarians to perform their functions effectively.

Civil society

Civil society plays a major role in the promotion of democracy by articulating diverse socio-cultural, political and economic issues. Non-governmental organisations, academic institutions, professional groups, trade unions and other society-based groups are an important source of policy ideas and information on government performance at grassroots level and can help promote public awareness essential for transparency.

As intermediaries between the State and the citizen, we undertake to continue to work with civil society and to forge stronger partnerships with civil society in strengthening the institutions of democracy, notably through promoting human rights, supporting peaceful settlement of conflicts, promoting more transparent and accountable governance at both national and international levels.

Role of the Inter-Parliamentary Union (IPU)

We recognise the important role played by the Inter-Parliamentary Union, the world organisation of parliaments, in promoting democracy worldwide. We pledge our continued support to this Organisation and encourage it to pursue its efforts in this field, including through strengthening the capacity of parliaments, promoting respect for human rights, encouraging gender partnership in public life and promoting more transparent and accountable governance at the international level.

Follow-up

We request that this Declaration be brought to the attention of the participants at the Fifth International Conference of New or Restored Democracies and that it be published as part of the official records of the Conference. We will bring this Declaration to the attention of our respective Parliaments and Governments and promote measures to give concrete expression to its provisions.

We request that parliaments, notably through their world organisation, the Inter-Parliamentary Union, be involved in and participate actively in the mechanisms established for the follow-up of the International Conferences of New or Restored Democracies. In this context, parliaments and the Inter-Parliamentary Union should participate in the identification and formulation of democracy indicators. We consider this participation consistent with the need for parliaments to be active partners in promoting democracy and international democratic governance as reiterated in the resolution adopted by the 108th Conference of the Inter-Parliamentary Union.

We urge that the Parliamentarians' Forum become a permanent feature of the International Conference of New or Restored Democracies. We entrust the Parliament of Mongolia and the Inter-Parliamentary Union with the responsibility of identifying effective ways of ensuring the achievement of this objective. We request the Chairman of the State Great Hural of Mongolia to report to the next Parliamentarians' Forum on progress in the implementation of this Declaration.

V. UNITED NATIONS AND SPECIALIZED AGENCIES

65. Universal Declaration of Human Rights (Excerpts)

(General Assembly resolution 217 A (III) of 10 December 1948)

Preamble

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, therefore,

The General Assembly,

Proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 1

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3

Everyone has the right to life, liberty and security of person.

...

Article 6

Everyone has the right to recognition everywhere as a person before the law.

Article 7

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

...

Article 19

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20

1. Everyone has the right to freedom of peaceful assembly and association.
2. No one may be compelled to belong to an association.

Article 21

1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
2. Everyone has the right to equal access to public service in his country.
3. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

...

Article 26

1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.
2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.
3. Parents have a prior right to choose the kind of education that shall be given to their children.

...

Article 29

1. Everyone has duties to the community in which alone the free and full development of his personality is possible.
2. In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.
3. These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

66. International Covenant on Civil and Political Rights (Excerpts)

Adopted and opened for signature, ratification and accession by General Assembly
resolution 2200A (XXI) of 16 December 1966
Entered into force 23 March 1976

Preamble

The States Parties to the present Covenant,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Recognizing that these rights derive from the inherent dignity of the human person,

Recognizing that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying civil and political freedom and freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his civil and political rights, as well as his economic, social and cultural rights,

Considering the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and freedoms,

Realizing that the individual, having duties to other individuals and to the community to which he belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the present Covenant,

Agree upon the following articles:

PART I

Article 1

1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.

3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.

PART II

Article 2

1. Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

2. Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such laws or other measures as may be necessary to give effect to the rights recognized in the present Covenant.

3. Each State Party to the present Covenant undertakes:

(a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;

(b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;

(c) To ensure that the competent authorities shall enforce such remedies when granted.

Article 3

The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant.

Article 4

1. In time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, the States Parties to the present Covenant may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law and do not involve

discrimination solely on the ground of race, colour, sex, language, religion or social origin.

2. No derogation from articles 6, 7, 8 (paragraphs I and 2), 11, 15, 16 and 18 may be made under this provision.

3. Any State Party to the present Covenant availing itself of the right of derogation shall immediately inform the other States Parties to the present Covenant, through the intermediary of the Secretary-General of the United Nations, of the provisions from which it has derogated and of the reasons by which it was actuated. A further communication shall be made, through the same intermediary, on the date on which it terminates such derogation.

Article 5

1. Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms recognized herein or at their limitation to a greater extent than is provided for in the present Covenant.

2. There shall be no restriction upon or derogation from any of the fundamental human rights recognized or existing in any State Party to the present Covenant pursuant to law, conventions, regulations or custom on the pretext that the present Covenant does not recognize such rights or that it recognizes them to a lesser extent.

PART III

...

Article 16

Everyone shall have the right to recognition everywhere as a person before the law.

...

Article 19

1. Everyone shall have the right to hold opinions without interference.

2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

(a) For respect of the rights or reputations of others;

(b) For the protection of national security or of public order (*ordre public*), or of public health or morals.

Article 20

1. Any propaganda for war shall be prohibited by law.

2. Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.

Article 21

The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others.

Article 22

1. Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.

2. No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on members of the armed forces and of the police in their exercise of this right.

3. Nothing in this article shall authorize States Parties to the International Labour Organisation Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice, or to apply the law in such a manner as to prejudice, the guarantees provided for in that Convention.

...

Article 25

Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:

- (a) To take part in the conduct of public affairs, directly or through freely chosen representatives;
- (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;
- (c) To have access, on general terms of equality, to public service in his country.

Article 26

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Article 27

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.

PART IV

Article 28

1. There shall be established a Human Rights Committee (hereafter referred to in the present Covenant as the Committee). It shall consist of eighteen members and shall carry out the functions hereinafter provided.
2. The Committee shall be composed of nationals of the States Parties to the present Covenant who shall be persons of high moral character and recognized competence in the field of human rights, consideration being given to the usefulness of the participation of some persons having legal experience.
3. The members of the Committee shall be elected and shall serve in their personal capacity.

Article 29

1. The members of the Committee shall be elected by secret ballot from a list of persons possessing the qualifications prescribed in article 28 and nominated for the purpose by the States Parties to the present Covenant.

2. Each State Party to the present Covenant may nominate not more than two persons. These persons shall be nationals of the nominating State.

3. A person shall be eligible for renomination.

Article 30

1. The initial election shall be held no later than six months after the date of the entry into force of the present Covenant.

2. At least four months before the date of each election to the Committee, other than an election to fill a vacancy declared in accordance with article 34, the Secretary-General of the United Nations shall address a written invitation to the States Parties to the present Covenant to submit their nominations for membership of the Committee within three months.

3. The Secretary-General of the United Nations shall prepare a list in alphabetical order of all the persons thus nominated, with an indication of the States Parties which have nominated them, and shall submit it to the States Parties to the present Covenant no later than one month before the date of each election.

4. Elections of the members of the Committee shall be held at a meeting of the States Parties to the present Covenant convened by the Secretary General of the United Nations at the Headquarters of the United Nations. At that meeting, for which two thirds of the States Parties to the present Covenant shall constitute a quorum, the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

Article 31

1. The Committee may not include more than one national of the same State.

2. In the election of the Committee, consideration shall be given to equitable geographical distribution of membership and to the representation of the different forms of civilization and of the principal legal systems.

Article 32

1. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. However, the terms of nine of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these nine members shall be chosen by lot by the Chairman of the meeting referred to in article 30, paragraph 4.

2. Elections at the expiry of office shall be held in accordance with the preceding articles of this part of the present Covenant.

Article 33

1. If, in the unanimous opinion of the other members, a member of the Committee has ceased to carry out his functions for any cause other than absence of a temporary character, the Chairman of the Committee shall notify the Secretary-General of the United Nations, who shall then declare the seat of that member to be vacant.

2. In the event of the death or the resignation of a member of the Committee, the Chairman shall immediately notify the Secretary-General of the United Nations, who shall declare the seat vacant from the date of death or the date on which the resignation takes effect.

Article 34

1. When a vacancy is declared in accordance with article 33 and if the term of office of the member to be replaced does not expire within six months of the declaration of the vacancy, the Secretary-General of the United Nations shall notify each of the States Parties to the present Covenant, which may within two months submit nominations in accordance with article 29 for the purpose of filling the vacancy.

2. The Secretary-General of the United Nations shall prepare a list in alphabetical order of the persons thus nominated and shall submit it to the States Parties to the present Covenant. The election to fill the vacancy shall then take place in accordance with the relevant provisions of this part of the present Covenant.

3. A member of the Committee elected to fill a vacancy declared in accordance with article 33 shall hold office for the remainder of the term of the member who vacated the seat on the Committee under the provisions of that article.

Article 35

The members of the Committee shall, with the approval of the General Assembly of the United Nations, receive emoluments from United Nations resources on such terms and conditions as the General Assembly may decide, having regard to the importance of the Committee's responsibilities.

Article 36

The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Covenant.

Article 37

1. The Secretary-General of the United Nations shall convene the initial meeting of the Committee at the Headquarters of the United Nations.

2. After its initial meeting, the Committee shall meet at such times as shall be provided in its rules of procedure.

3. The Committee shall normally meet at the Headquarters of the United Nations or at the United Nations Office at Geneva.

Article 38

Every member of the Committee shall, before taking up his duties, make a solemn declaration in open committee that he will perform his functions impartially and conscientiously.

Article 39

1. The Committee shall elect its officers for a term of two years. They may be re-elected.
2. The Committee shall establish its own rules of procedure, but these rules shall provide, inter alia, that:
 - (a) Twelve members shall constitute a quorum;
 - (b) Decisions of the Committee shall be made by a majority vote of the members present.

Article 40

1. The States Parties to the present Covenant undertake to submit reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made in the enjoyment of those rights: (a) Within one year of the entry into force of the present Covenant for the States Parties concerned;
 - (b) Thereafter whenever the Committee so requests.
2. All reports shall be submitted to the Secretary-General of the United Nations, who shall transmit them to the Committee for consideration. Reports shall indicate the factors and difficulties, if any, affecting the implementation of the present Covenant.
3. The Secretary-General of the United Nations may, after consultation with the Committee, transmit to the specialized agencies concerned copies of such parts of the reports as may fall within their field of competence.
4. The Committee shall study the reports submitted by the States Parties to the present Covenant. It shall transmit its reports, and such general comments as it may consider appropriate, to the States Parties. The Committee may also transmit to the Economic and Social Council these comments along with the copies of the reports it has received from States Parties to the present Covenant.
5. The States Parties to the present Covenant may submit to the Committee observations on any comments that may be made in accordance with paragraph 4 of this article.

Article 41

1. A State Party to the present Covenant may at any time declare under this article that it recognizes the competence of the Committee to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the present Covenant. Communications under this article may be received and

considered only if submitted by a State Party which has made a declaration recognizing in regard to itself the competence of the Committee. No communication shall be received by the Committee if it concerns a State Party which has not made such a declaration. Communications received under this article shall be dealt with in accordance with the following procedure:

(a) If a State Party to the present Covenant considers that another State Party is not giving effect to the provisions of the present Covenant, it may, by written communication, bring the matter to the attention of that State Party. Within three months after the receipt of the communication the receiving State shall afford the State which sent the communication an explanation, or any other statement in writing clarifying the matter which should include, to the extent possible and pertinent, reference to domestic procedures and remedies taken, pending, or available in the matter;

(b) If the matter is not adjusted to the satisfaction of both States Parties concerned within six months after the receipt by the receiving State of the initial communication, either State shall have the right to refer the matter to the Committee, by notice given to the Committee and to the other State;

(c) The Committee shall deal with a matter referred to it only after it has ascertained that all available domestic remedies have been invoked and exhausted in the matter, in conformity with the generally recognized principles of international law. This shall not be the rule where the application of the remedies is unreasonably prolonged;

(d) The Committee shall hold closed meetings when examining communications under this article;

(e) Subject to the provisions of subparagraph (c), the Committee shall make available its good offices to the States Parties concerned with a view to a friendly solution of the matter on the basis of respect for human rights and fundamental freedoms as recognized in the present Covenant;

(f) In any matter referred to it, the Committee may call upon the States Parties concerned, referred to in subparagraph (b), to supply any relevant information;

(g) The States Parties concerned, referred to in subparagraph (b), shall have the right to be represented when the matter is being considered in the Committee and to make submissions orally and/or in writing;

(h) The Committee shall, within twelve months after the date of receipt of notice under subparagraph (b), submit a report:

(i) If a solution within the terms of subparagraph (e) is reached, the Committee shall confine its report to a brief statement of the facts and of the solution reached;

(ii) If a solution within the terms of subparagraph (e) is not reached, the Committee shall confine its report to a brief statement of the facts; the written submissions and record of the oral submissions made by the States Parties concerned shall be attached to the report. In every matter, the report shall be communicated to the States Parties concerned.

2. The provisions of this article shall come into force when ten States Parties to the present Covenant have made declarations under paragraph I of this article. Such declarations shall be deposited by the States Parties with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary-General. Such a withdrawal shall not prejudice the consideration of any matter which is the subject of a communication already transmitted under this article; no further communication by any State Party shall be received after the notification of withdrawal of the declaration has been received by the Secretary-General, unless the State Party concerned has made a new declaration.

Article 42

1.

(a) If a matter referred to the Committee in accordance with article 41 is not resolved to the satisfaction of the States Parties concerned, the Committee may, with the prior consent of the States Parties concerned, appoint an ad hoc Conciliation Commission (hereinafter referred to as the Commission). The good offices of the Commission shall be made available to the States Parties concerned with a view to an amicable solution of the matter on the basis of respect for the present Covenant;

(b) The Commission shall consist of five persons acceptable to the States Parties concerned. If the States Parties concerned fail to reach agreement within three months on all or part of the composition of the Commission, the members of the Commission concerning whom no agreement has been reached shall be elected by secret ballot by a two-thirds majority vote of the Committee from among its members.

2. The members of the Commission shall serve in their personal capacity. They shall not be nationals of the States Parties concerned, or of a State not Party to the present Covenant, or of a State Party which has not made a declaration under article 41.

3. The Commission shall elect its own Chairman and adopt its own rules of procedure.

4. The meetings of the Commission shall normally be held at the Headquarters of the United Nations or at the United Nations Office at Geneva. However, they may be held at such other convenient places as the Commission may determine in consultation with the Secretary-General of the United Nations and the States Parties concerned.

5. The secretariat provided in accordance with article 36 shall also service the commissions appointed under this article.

6. The information received and collated by the Committee shall be made available to the Commission and the Commission may call upon the States Parties concerned to supply any other relevant information.

7. When the Commission has fully considered the matter, but in any event not later than twelve months after having been seized of the matter, it shall submit to the Chairman of the Committee a report for communication to the States Parties concerned:

(a) If the Commission is unable to complete its consideration of the matter within twelve months, it shall confine its report to a brief statement of the status of its consideration of the matter;

(b) If an amicable solution to the matter on the basis of respect for human rights as recognized in the present Covenant is reached, the Commission shall confine its report to a brief statement of the facts and of the solution reached;

(c) If a solution within the terms of subparagraph (b) is not reached, the Commission's report shall embody its findings on all questions of fact relevant to the issues between the States Parties concerned, and its views on the possibilities of an amicable solution of the matter. This report shall also contain the written submissions and a record of the oral submissions made by the States Parties concerned;

(d) If the Commission's report is submitted under subparagraph (c), the States Parties concerned shall, within three months of the receipt of the report, notify the Chairman of the Committee whether or not they accept the contents of the report of the Commission.

8. The provisions of this article are without prejudice to the responsibilities of the Committee under article 41.

9. The States Parties concerned shall share equally all the expenses of the members of the Commission in accordance with estimates to be provided by the Secretary-General of the United Nations.

10. The Secretary-General of the United Nations shall be empowered to pay the expenses of the members of the Commission, if necessary, before reimbursement by the States Parties concerned, in accordance with paragraph 9 of this article.

Article 43

The members of the Committee, and of the ad hoc conciliation commissions which may be appointed under article 42, shall be entitled to the facilities, privileges and immunities of experts on mission for the United Nations as laid down in the relevant sections of the Convention on the Privileges and Immunities of the United Nations.

Article 44

The provisions for the implementation of the present Covenant shall apply without prejudice to the procedures prescribed in the field of human rights by or under the

constituent instruments and the conventions of the United Nations and of the specialized agencies and shall not prevent the States Parties to the present Covenant from having recourse to other procedures for settling a dispute in accordance with general or special international agreements in force between them.

Article 45

The Committee shall submit to the General Assembly of the United Nations, through the Economic and Social Council, an annual report on its activities.

PART V

Article 46

Nothing in the present Covenant shall be interpreted as impairing the provisions of the Charter of the United Nations and of the constitutions of the specialized agencies which define the respective responsibilities of the various organs of the United Nations and of the specialized agencies in regard to the matters dealt with in the present Covenant.

Article 47

Nothing in the present Covenant shall be interpreted as impairing the inherent right of all peoples to enjoy and utilize fully and freely their natural wealth and resources.

PART VI

Article 48

1. The present Covenant is open for signature by any State Member of the United Nations or member of any of its specialized agencies, by any State Party to the Statute of the International Court of Justice, and by any other State which has been invited by the General Assembly of the United Nations to become a Party to the present Covenant.

2. The present Covenant is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

3. The present Covenant shall be open to accession by any State referred to in paragraph 1 of this article.

4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

5. The Secretary-General of the United Nations shall inform all States which have signed this Covenant or acceded to it of the deposit of each instrument of ratification or accession.

Article 49

1. The present Covenant shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the thirty-fifth instrument of ratification or instrument of accession.

2. For each State ratifying the present Covenant or acceding to it after the deposit of the thirty-fifth instrument of ratification or instrument of accession, the present Covenant shall enter into force three months after the date of the deposit of its own instrument of ratification or instrument of accession.

Article 50

The provisions of the present Covenant shall extend to all parts of federal States without any limitations or exceptions.

Article 51

1. Any State Party to the present Covenant may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General of the United Nations shall thereupon communicate any proposed amendments to the States Parties to the present Covenant with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that at least one third of the States Parties favours such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.

2. Amendments shall come into force when they have been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of the States Parties to the present Covenant in accordance with their respective constitutional processes. 3. When amendments come into force, they shall be binding on those States Parties which have accepted them, other States Parties still being bound by the provisions of the present Covenant and any earlier amendment which they have accepted.

Article 52

1. Irrespective of the notifications made under article 48, paragraph 5, the Secretary-General of the United Nations shall inform all States referred to in paragraph I of the same article of the following particulars:

(a) Signatures, ratifications and accessions under article 48;

(b) The date of the entry into force of the present Covenant under article 49 and the date of the entry into force of any amendments under article 51.

Article 53

1. The present Covenant, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of the present Covenant to all States referred to in article 48.

67. The Vienna Declaration and Programme of Action, June 1993.
(Excerpts)

The World Conference on Human Rights,

Considering that the promotion and protection of human rights is a matter of priority for the international community, and that the Conference affords a unique opportunity to carry out a comprehensive analysis of the international human rights system and of the machinery for the protection of human rights, in order to enhance and thus promote a fuller observance of those rights, in a just and balanced manner,

Recognizing and affirming that all human rights derive from the dignity and worth inherent in the human person, and that the human person is the central subject of human rights and fundamental freedoms, and consequently should be the principal beneficiary and should participate actively in the realization of these rights and freedoms,

Reaffirming their commitment to the purposes and principles contained in the Charter of the United Nations and the Universal Declaration of Human Rights,

Reaffirming the commitment contained in Article 56 of the Charter of the United Nations to take joint and separate action, placing proper emphasis on developing effective international cooperation for the realization of the purposes set out in Article 55, including universal respect for, and observance of, human rights and fundamental freedoms for all,

Emphasizing the responsibilities of all States, in conformity with the Charter of the United Nations, to develop and encourage respect for human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion,

Recalling the Preamble to the Charter of the United Nations, in particular the determination to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, and in the equal rights of men and women and of nations large and small,

Recalling also the determination expressed in the Preamble of the Charter of the United Nations to save succeeding generations from the scourge of war, to establish conditions under which justice and respect for obligations arising from treaties and other sources of international law can be maintained, to promote social progress and better standards of life in larger freedom, to practice tolerance and good neighbourliness, and to employ international machinery for the promotion of the economic and social advancement of all peoples,

Emphasizing that the Universal Declaration of Human Rights, which constitutes a common standard of achievement for all peoples and all nations, is the source of inspiration and has been the basis for the United Nations in making advances in standard setting as contained in the existing international human rights instruments, in particular the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

Considering the major changes taking place on the international scene and the aspirations of all the peoples for an international order based on the principles enshrined in the Charter of the United Nations, including promoting and encouraging respect for human rights and fundamental

freedoms for all and respect for the principle of equal rights and self-determination of peoples, peace, democracy, justice, equality, rule of law, pluralism, development, better standards of living and solidarity,

Deeply concerned by various forms of discrimination and violence, to which women continue to be exposed all over the world,

Recognizing that the activities of the United Nations in the field of human rights should be rationalized and enhanced in order to strengthen the United Nations machinery in this field and to further the objectives of universal respect for observance of international human rights standards,

Having taken into account the Declarations adopted by the three regional meetings at Tunis, San José and Bangkok and the contributions made by Governments, and bearing in mind the suggestions made by intergovernmental and non-governmental organizations, as well as the studies prepared by independent experts during the preparatory process leading to the World Conference on Human Rights,

Welcoming the International Year of the World's Indigenous People 1993 as a reaffirmation of the commitment of the international community to ensure their enjoyment of all human rights and fundamental freedoms and to respect the value and diversity of their cultures and identities,

Recognizing also that the international community should devise ways and means to remove the current obstacles and meet challenges to the full realization of all human rights and to prevent the continuation of human rights violations resulting thereof throughout the world,

Invoking the spirit of our age and the realities of our time which call upon the peoples of the world and all States Members of the United Nations to rededicate themselves to the global task of promoting and protecting all human rights and fundamental freedoms so as to secure full and universal enjoyment of these rights,

Determined to take new steps forward in the commitment of the international community with a view to achieving substantial progress in human rights endeavours by an increased and sustained effort of international cooperation and solidarity,

Solemnly adopts the Vienna Declaration and Programme of Action.

...

8. Democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing. Democracy is based on the freely expressed will of the people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives. In the context of the above, the promotion and protection of human rights and fundamental freedoms at the national and international levels should be universal and conducted without conditions attached. The international community should support the strengthening and promoting of democracy, development and respect for human rights and fundamental freedoms in the entire world.
9. The World Conference on Human Rights reaffirms that least developed countries committed to the process of democratization and economic reforms,

many of which are in Africa, should be supported by the international community in order to succeed in their transition to democracy and economic development.

...

17. The acts, methods and practices of terrorism in all its forms and manifestations as well as linkage in some countries to drug trafficking are activities aimed at the destruction of human rights, fundamental freedoms and democracy, threatening territorial integrity, security of States and destabilizing legitimately constituted Governments. The international community should take the necessary steps to enhance cooperation to prevent and combat terrorism.

...

27. Every State should provide an effective framework of remedies to redress human rights grievances or violations. The administration of justice, including law enforcement and prosecutorial agencies and, especially, an independent judiciary and legal profession in full conformity with applicable standards contained in international human rights instruments, are essential to the full and non-discriminatory realization of human rights and indispensable to the processes of democracy and sustainable development. In this context, institutions concerned with the administration of justice should be properly funded, and an increased level of both technical and financial assistance should be provided by the international community. It is incumbent upon the United Nations to make use of special programmes of advisory services on a priority basis for the achievement of a strong and independent administration of justice.

...

34. Increased efforts should be made to assist countries which so request to create the conditions whereby each individual can enjoy universal human rights and fundamental freedoms. Governments, the United Nations system as well as other multilateral organizations are urged to increase considerably the resources allocated to programmes aiming at the establishment and strengthening of national legislation, national institutions and related infrastructures which uphold the rule of law and democracy, electoral assistance, human rights awareness through training, teaching and education, popular participation and civil society.

...

D. Human rights education

...

79. States should strive to eradicate illiteracy and should direct education towards the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. The World Conference on Human Rights calls on all States and institutions to include human rights, humanitarian law, democracy and rule of law as subjects in the curricula of all learning institutions in formal and non-formal settings.

80. Human rights education should include peace, democracy, development and social justice, as set forth in international and regional human rights instruments, in order to achieve common understanding and awareness with a view to strengthening universal commitment to human rights.

81. Taking into account the World Plan of Action on Education for Human Rights and Democracy, adopted in March 1993 by the International Congress on Education for Human

Rights and Democracy of the United Nations Educational, Scientific and Cultural Organization, and other human rights instruments, the World Conference on Human Rights recommends that States develop specific programmes and strategies for ensuring the widest human rights education and the dissemination of public information, taking particular account of the human rights needs of women.

68. United Nations Millennium Declaration

(Excerpts)

I. Values and principles

1. We, heads of State and Government, have gathered at United Nations Headquarters in New York from 6 to 8 September 2000, at the dawn of a new millennium, to reaffirm our faith in the Organization and its Charter as indispensable foundations of a more peaceful, prosperous and just world.

2. We recognize that, in addition to our separate responsibilities to our individual societies, we have a collective responsibility to uphold the principles of human dignity, equality and equity at the global level. As leaders we have a duty therefore to all the world's people, especially the most vulnerable and, in particular, the children of the world, to whom the future belongs.

3. We reaffirm our commitment to the purposes and principles of the Charter of the United Nations, which have proved timeless and universal. Indeed, their relevance and capacity to inspire have increased, as nations and peoples have become increasingly interconnected and interdependent.

4. We are determined to establish a just and lasting peace all over the world in accordance with the purposes and principles of the Charter. We rededicate ourselves to support all efforts to uphold the sovereign equality of all States, respect for their territorial integrity and political independence, resolution of disputes by peaceful means and in conformity with the principles of justice and international law, the right to self-determination of peoples which remain under colonial domination and foreign occupation, non-interference in the internal affairs of States, respect for human rights and fundamental freedoms, respect for the equal rights of all without distinction as to race, sex, language or religion and international cooperation in solving international problems of an economic, social, cultural or humanitarian character.

5. We believe that the central challenge we face today is to ensure that globalization becomes a positive force for all the world's people. For while globalization offers great opportunities, at present its benefits are very unevenly shared, while its costs are unevenly distributed. We recognize that developing countries and countries with economies in transition face special difficulties in responding to this central challenge. Thus, only through broad and sustained efforts to create a shared future, based upon our common humanity in all its diversity, can globalization be made fully inclusive and equitable. These efforts must include policies and measures, at the global level, which correspond to the needs of developing countries and economies in transition and are formulated and implemented with their effective participation.

6. We consider certain fundamental values to be essential to international relations in the twenty-first century. These include:

- **Freedom.** Men and women have the right to live their lives and raise their children in dignity, free from hunger and from the fear of violence, oppression or injustice. Democratic and participatory governance based on the will of the people best assures these rights.

- **Equality.** No individual and no nation must be denied the opportunity to benefit from development. The equal rights and opportunities of women and men must be assured.

- **Solidarity.** Global challenges must be managed in a way that distributes the costs and burdens fairly in accordance with basic principles of equity and social justice. Those who suffer or who benefit least deserve help from those who benefit most.

- **Tolerance.** Human beings must respect one other, in all their diversity of belief, culture and language. Differences within and between societies should be neither feared nor repressed, but cherished as a precious asset of humanity. A culture of peace and dialogue among all civilizations should be actively promoted.

- **Respect for nature.** Prudence must be shown in the management of all living species and natural resources, in accordance with the precepts of sustainable development. Only in this way can the immeasurable riches provided to us by nature be preserved and passed on to our descendants. The current unsustainable patterns of production and consumption must be changed in the interest of our future welfare and that of our descendants.

- **Shared responsibility.** Responsibility for managing worldwide economic and social development, as well as threats to international peace and security, must be shared among the nations of the world and should be exercised multilaterally. As the most universal and most representative organization in the world, the United Nations must play the central role.

7. In order to translate these shared values into actions, we have identified key objectives to which we assign special significance.

...

V. Human rights, democracy and good governance

24. We will spare no effort to promote democracy and strengthen the rule of law, as well as respect for all internationally recognized human rights and fundamental freedoms, including the right to development.

25. We resolve therefore:

- To respect fully and uphold the Universal Declaration of Human Rights.

- To strive for the full protection and promotion in all our countries of civil, political, economic, social and cultural rights for all.

- To strengthen the capacity of all our countries to implement the principles and practices of democracy and respect for human rights, including minority rights.

- To combat all forms of violence against women and to implement the Convention on the Elimination of All Forms of Discrimination against Women.

- To take measures to ensure respect for and protection of the human rights of migrants, migrant workers and their families, to eliminate the increasing acts of racism and xenophobia in many societies and to promote greater harmony and tolerance in all societies.
- To work collectively for more inclusive political processes, allowing genuine participation by all citizens in all our countries.
- To ensure the freedom of the media to perform their essential role and the right of the public to have access to information.

...

T. UNESCO

69. Declaration of Montevideo *Democratic Culture and Governance* (November, 1990)

Declaration adopted by the International Conference on "Democratic Culture and Development: Towards the Third Millennium in Latin America organized jointly by UNESCO and the PAX Institute, under the auspices of the Government of the Eastern Republic of Uruguay, 27-30 November 1990, Montevideo, Uruguay.

PREAMBLE

1. In almost every region of the world, and particularly in Latin America and Europe, the foundations are being laid in public life for the difficult transition to political and economic structures that restore responsibility, initiative and decision-making authority to all social actors. Authoritarian or centralizing forms of organization, which gave a hegemonic State the exclusive right to determine political, social and economic options, are giving way to an increasingly general desire for a new legitimacy based on the popular will and on the recognition of political life as subject to the rule of law.

2. Intellectuals and the Establishment in different countries and regions increasingly tend to view modern democracy not only as the basic expression of popular sovereignty (<>), taking care to ensure the independence of justice, but also as a political practice encompassing pluralism, solidarity and participation in which human rights and civil liberties not only behave as limits to the arbitrary exercise of power, but also constitute the ethical basis of social consensus in a civil society formed of free and equal individuals; in which the State, as guardian of national sovereignty and guarantor of the public weal, becomes the supreme defender of civil and individual rights and freedoms; in which conflicts of interest are peacefully resolved in social contracts supported by the law; and lastly, in which economic activity, concurrently with the democratization of the political process and as a logical manifestation of the same compelling need for change and social progress, develops towards more open forms of initiative and control involving the State, the market and other social actors that enjoy considerable discretion in their decision-making.

3. This more complex and differentiated civil society beckons from the future, challenging the very foundations of our way of life as individuals and communities. In a real pluralist democracy, law, liberty and social justice have to be reconciled. The elimination of social disparities, exclusion and marginality and the furtherance of the development process are major challenges to social imagination and to the solidarity of the different social actors, especially the State.

4. Democracy and sustainable development will depend in large measure on the ability of individual societies to modernize from within, especially through changes and adjustments that enhance the State's efficiency and legitimacy in arbitrating conflicts and administering justice,

and in providing encouragement and guidance in the economic and cultural fields. It is in this way that existing disparities can be overcome and a new national consensus around the joint project of a more just and more effectively pluralist civil society be promoted.

5. However, given the far-reaching changes in the forms and structures of power in the world at large, there seems little prospect of devising effective and lasting solutions to the complex web of political and economic problems at the level of individual countries. Social change at world level and corresponding changes in the region make it increasingly essential to build up regional and inter regional co-operation. With ideological polarization vanishing, the challenge of the future consists in translating public and private resolve into supranational co-operation strategies that ensure political and economic transition at minimum social cost. It is certainly in this context of broader co-operation that more effective action can be taken to counter social exclusion and reduce internal disparities while at the same time lessening external economic, scientific and technological dependence through more effective integration of the States of the region into a world system whose political and economic foundations are rapidly evolving.

6. However, changes in the practical exercise of power and the reorganization of systems of production give rise to changes not only in political, social and economic institutions but also in culture and in the behaviour of the individuals and groups moulded by that culture. The other vital dimension of the challenge facing societies in the early stages of democracy is the forging of a democratic culture. A pluralist democratic society cannot work unless it is based on value and knowledge systems that have been spontaneously accepted by a majority of individuals, empowering them to make effective use of political and legal institutions and guiding their behaviour in accordance with criteria about the common good and of justice, equity and social peace. There is therefore an increasing awareness of the need for thoroughgoing cultural and institutional renewal so as to provide a channel for the clashes among the different ideas and forms of social activity that inevitably occur when people are allowed free expression, and to resolve divergences through social achievements representing the creative embodiment of a whole people.

PRINCIPLES AND RECOMMENDATIONS

7. Within this general context, the Conference on Democratic Culture and Development in Latin America, held on the initiative of the Government of the Eastern Republic of Uruguay, UNESCO, and the PAX Institute, which has brought together in Montevideo distinguished representatives of the world of politics and sciences from the region and beyond, on the threshold of the third millennium:

A. Unanimously reaffirms the vital importance of democracy for the future of mankind in that it is:

(a) the only political system and practice based on the sovereignty of the people, open to the active participation in public life of all sectors of society and all shades of opinion, without any discrimination;

(b) the only system and practice for public life capable of bringing about a society based on the rule of law and on the recognition of human rights and of civil and individual freedoms as the ethical basis for a civil society of free and equal individuals, and where the State appears as supreme defender of those rights and freedoms;

(c) the only system and practice for public life which is geared to the peaceful and concerted pursuit of social justice, equity and individual and community well-being under the law.

B. Therefore recommends that States and relevant international governmental and non-governmental organizations commit themselves to promoting democracy, within the framework of regional and international co-operation, through:

(a) the development of comparative research in social and judicial sciences at the regional and interregional levels concerning the nature, functioning and efficiency of the political institutions and machinery and the laws and customs that make for progress towards participatory democracy and towards the democratic governance of development processes, and, in particular, concerning the new functions and forms of organization of the State as defender of rights and promoter of democratic social processes and development;

(b) the development of studies on the possibility of establishing or reinforcing, with the objective of political and economic regional integration, jurisdictions at the regional level in the field of human rights;

(c) the development of national, regional and interregional education programmes designed, with a view to developing a democratic culture, to enhance the people's awareness of the values of freedom, solidarity, justice, social peace and tolerance and to provide them with the knowledge on political institutions and law they need to exercise democracy in a way that is genuinely guided by the principles of human rights;

(d) the development of national and regional cultural policies and structures conducive to the different social actors' participation in national public life in a politically responsible way.

C. Recommends in particular that UNESCO, which has a specific responsibility within the framework of the United Nations with regard to human rights and peace, should give priority in its biennial programmes and medium-term plans to activities aimed at promoting democracy in social and cultural life. Specifically, it should, in co-operation with interested Member States and with relevant public and private institutional net works:

(a) promote and organize forums for reflection and exchanges of ideas among the intellectual and political communities;

(b) develop for subsequent inclusion in general human rights and peace education programmes contents about democracy and democratic values;

(c) carry out comparative studies concerning existing mechanisms for: (i) negotiation and peaceful settlement of conflicts of interest; (ii) interaction between civil society and the State; (iii) horizontal social participation and communication.

70. **World Plan of Action on Education for Human Rights and Democracy, and Contributions to the Preparation of a Declaration on Academic Freedom**

Montreal, Canada, 1993

Introduction

Who?

The World Plan of Action is addressed, among others, to:

individuals, families, groups and communities, educators, teaching institutions and their boards, students, young people, the media, employers and unions, popular movements, political parties, parliamentarians, public officials, national and international non-governmental organizations, all multilateral and intergovernmental organizations, the United Nations Organization, in particular its Centre for Human Rights, specialized institutions of the United Nations system, in particular UNESCO, and States.

The advocates of this Plan come from all sectors of society. It is addressed to victims of human rights violations and defenders of human rights and democracy as well as decision-makers.

The Plan is not a comprehensive strategy for formal and informal education. It is more a framework of action which will be tailored and executed by various participants. These participants are better qualified to adjust the implementation of the Plan in accordance with their priorities, resources and particular circumstances. The Plan will therefore depend on all actors including grass-roots education workers in villages, refugee camps, barrios, inner cities and war zones throughout the world.

The Plan conceives of education in its broadest sense, among all age, gender, class, ethnic, national, religious and linguistic groups and in all sectors of society. It takes a global view of education, through strategies for learning in formal and non-formal settings and including popular and adult education, education in the family, out-of-school education of youth, education of specialised groups and education in difficult situations.

What?

The Plan of Action calls for a global mobilization of energies and resources, from the family to the United Nations, to educate individuals and groups about human rights so that conduct leading to a denial of rights will be changed, all rights will be respected and civil society will be transformed into a peaceful and participatory model. Learning is not an end in itself but rather the means of eliminating violations of human rights and building a culture of peace based on democracy, development, tolerance and mutual respect.

The Plan is based on the body of international human rights and humanitarian law. Human rights are seen in this Plan as universal and indivisible.

As a forward-looking strategy this Plan builds on, *inter alia*, the 1974 'Recommendation Concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms' and the recommendations which emerged

from the UNESCO International Congress on the Teaching of Human Rights, in Vienna in 1978, the UNESCO International Congress on Human Rights Teaching, Information and Documentation in Malta in 1987 and the International Forum on Education for Democracy, in Tunis in December 1992.

The Plan conceives of human rights in their broadest sense to include *inter alia* learning about tolerance and acceptance of others, solidarity, participatory citizenship and the importance of building mutual respect and understanding.

Why?

The context of the Plan of Action must be seen as one of alarm and urgency. Certainly, the Cold War has come to a close, walls have come down and some dictators have been deposed. Yet the last decade of the twentieth century is experiencing the recurrence of the most serious human rights violations, caused by the rise of nationalism, racism, xenophobia, sexism and religious intolerance. These recurrences have led to the most abhorrent forms of ethnic cleansing including the systematic rape of women, exploitation, neglect and abuse of children and concerted violence against foreigners, refugees, displaced persons, minorities, indigenous peoples and other vulnerable groups.

Notwithstanding the dissolution of authoritarian regimes and the formation of emerging democracies world-wide over the last years, new forms of autocracy have also emerged. An alarming rise of racism, various forms of extremism and religious fanaticism and the dangerous instability of some post-authoritarian States are noted. No less disturbing for the protection of human rights are the threats stemming from environmental degradation, from new biomedical technologies and from the scourge of HIV/AIDS.

Education for human rights in a changing world is the thrust of this Plan of Action. It should be participatory and operational, creative, innovative and empowering at all levels of civil society. The rise of nationalism and intolerance mentioned above calls for special and anticipatory educational strategies aimed at preventing the outbreak of violent conflicts and the related human rights violations. Incremental changes can no longer be considered satisfactory. Education should aim to nurture democratic values, sustain impulses for democratization and promote societal transformation based upon human rights and democracy.

The Plan of Action takes into consideration the development of human rights norms and the establishment of mechanisms for the promotion and protection of human rights at national, regional and international levels.

A key challenge for the future is to enhance the universality of human rights by rooting these rights in different cultural traditions. The effective exercise of human rights is also contingent upon the degree of responsibility by individuals towards the community.

When?

The World Plan of Action is intended to start immediately, working towards specific measurable objectives within a timetable laid down by the participants in the Plan. The observation of the fiftieth anniversary of the United Nations Organization in 1995 and of the Universal Declaration of Human Rights in 1998 can serve as the focus for activities, programmes and projects in human rights education and occasions for their assessment and dissemination. A series of events for

sharing experiences and assessing results should be organized from the local community level up to and including the global level. Such sharing and assessment should be subject to a general overall review by the end of the decade for planning ongoing activities and programmes in the twenty-first century.

How?

In order for this Plan to succeed, the active participation of individual States is essential, wherever possible. The State should commit itself to defined targets for human rights education and awareness within governmental structures and institutions. The State should provide funding for initiatives which are generated nationally. The commitment of States to human rights education indicates the political will to build a sustainable democratic society. The quality of human rights education is in itself a manifestation of such a will now and for the future. The initiatives of States in this field provide a basis for assessment. In this context, it is important for States to accede to all human rights instruments.

The United Nations system, in particular UNESCO and the United Nations Centre for Human Rights, and a number of governmental and international governmental and nongovernmental organizations have already begun to work in the area of education for human rights and democracy. This work should be considered an important part of the implementation of the Plan, both as a point of departure and also a source of ideas, materials, experience and insight and it should be intensified. In particular, more emphasis should be given to projects for education for human rights and democracy under the United Nations Programme of Advisory Services and Technical Assistance in the Field of Human Rights. In its context the Plan could provide a frame for improved co-ordination of programmes of human rights education and democracy.

The following seven major strategies are proposed:

1. Development and distribution by UNESCO of a standard form for planning, implementation and assessment of the Plan. This will assist governmental and non-governmental organizations in the projection, co-ordination and review of various programmes, projects and activities to achieve the objectives of the World Plan of Action. UNESCO would keep a register of all initiatives undertaken in this framework communicated by the participants.
2. Development of active national, regional and international networks to produce material, curricula and programmes as well as to exchange methods and materials and develop 'best practice' approaches.
3. Access to up-to-date information and documentation and the availability of practical and inexpensive teaching materials.
4. Convening of regional and global momentum-building conferences.
5. Strengthening of the United Nations Voluntary Fund for Advisory Services and Technical Assistance in the Field of Human Rights and of the UNESCO Voluntary Fund for the Development of the Knowledge of Human Rights through Education and Information so that they can better support human rights education, information and documentation projects on a world-wide basis, including those of non-governmental organizations, as well as encouraging funding of such projects by other public and private funding institutions and sources.

6. Emphasis to be given to the right to education and in particular human rights education by the United Nations Commission on Human Rights and its monitoring mechanisms, the regional human rights commissions, as well as by the expert organs supervising the international human rights treaties and in particular the Committee on the Rights of the Child.

7. A follow-up committee to be established by UNESCO, in consultation with the United Nations Centre for Human Rights, will disseminate the Plan, receive relevant communications and follow-up and monitor the implementation of the Plan.

The Plan emphasizes that learning is intended to encompass the concepts that knowledge must lead to action, that access to knowledge should be empowering, that learning is a participatory process and that the learner is also the teacher and vice-versa. The methodology of education for human rights and democracy should be respectful of the rights of the learner and democratic in its organization and functioning.

This Plan calls for methods which will reach the widest number of individuals most effectively, such as the use of the mass media, the training of trainers, the mobilization of popular movements and the possibility of establishing a world-wide television and radio network under the auspices of the United Nations.

Objectives

The Plan strives to:

1. make information available about human rights norms and instruments as well as recourse procedures and mechanisms against violations at the national, regional and international levels. Special efforts should be made to ensure that this information reaches young people;
2. assist learners to understand the connections between economic conditions and access to rights and encourage educators to support strategies for change that are non-violent and democratic;
3. increase the awareness of educators in all sectors and at all levels of the benefits of co-operation and co-ordination through networking and to assist them in building human rights education networks;
4. encourage governments and the international community to provide and foster a culture of peace based on human rights;
5. to make human rights and the national, regional and international instruments that guarantee such rights more widely known.

Main lines of action

The ultimate purpose of the Plan is to create a culture of human rights and to develop democratic societies that enable individuals and groups to solve their disagreements and conflicts by the use of non-violent methods.

The challenge of making education for human rights and democracy effective and comprehensive world-wide will require:

1. the identification of the most appropriate target groups so as to ensure rapid and effective implementation;
2. a focus on educational support where it is most needed and most empowering and ensuring that projects are suitable for potential users;
3. the encouragement and development of initiatives which mobilize people and which utilise innovative methodology;
4. the process of human rights education and training with the participation of target groups, must be viewed as an exercise in democracy. This can be done by practising the principle of equality and by developing participatory and inclusive learning contexts and curricula in response to the real needs of people. Educational processes and methodologies must be models for what the Plan wishes to achieve in society as a whole. It is also imperative that learning programmes include approaches which assist people to understand and analyse their relations with power as well as with leadership styles and abuses;
5. the development of pedagogic research into the various aspects of education for human rights and democracy, taking account especially of present changes;
6. the systematic revision of school textbooks with a view to eliminating xenophobic, racist, sexist and other stereotypes;
7. the building of practical relationships or networks among individuals, educators, groups and institutions in particular through meetings and bilateral and multilateral collaboration;
8. the strengthening of the commitment to identify and increase resources for education for human rights and democracy at national, regional and international levels. It is essential that the action of NGOs is not impeded;
9. special attention should be given to the design of cost-effective and sustainable educational programmes;
10. a global commitment to increase resources for education for human rights and democracy as well as earmarking funds in development projects for this purpose.

Levels of action

The following levels of action should be emphasized:

Teaching human rights and democracy in the curricula at all levels of the school system

Aim: To build an integral and broad-based curriculum that is both pervasive across subject disciplines and taught as a separate subject so that human rights and democracy education is dealt with repeatedly throughout a person's basic education. The theme of rights, responsibilities and

democratic processes should also be woven into all or most topics of study and included in the values aimed at in school life and in the process of socialization.

The focus should be on:

- (i) pre-primary;
- (ii) primary;
- (iii) secondary and vocational training;
- (iv) post-secondary - colleges and universities;
- (v) teacher training/education;
- (vi) teachers' organizations and unions;
- (vii) school boards and other levels of education administration;
- (viii) parents' organizations.

Education for human rights and democracy in a non-formal setting

Aims: To involve groups of adults and young people, including those not attending school, in out-of school education, through their families, their professional associations, work places, institutions, groupings, etc. Programmes will aim at increasing the awareness of individuals in both formal and informal groups to their rights and to their responsibilities and to their full participation throughout society. Special attention will be given to reach all women whatever their current level of participation in public life.

To achieve this aim, education for human rights and democracy will take place in specific settings and focus on certain groups including:

- (i) work place (unions, employers);
- (ii) professional associations;
- (iii) religious and cultural organizations;
- (iv) youth, including through leisure and sports clubs;
- (v) UNESCO Clubs, centres and associations;
- (vi) groups which are less exposed to public life (for example, people living in rural or remote areas);
- (vii) groups working specifically on literacy, advocacy and assisting those living in extreme poverty;

- (viii) security, army, police and prison personnel, etc.;
- (ix) public officials and decision-makers;
- (x) judges and lawyers and others working in the administration of justice;
- (xi) media presuable;
- (xii) medical doctors, health professionals and scientists including those engaged in biological research.

Education for human rights and democracy in specific contexts and difficult situations

Aim: To direct efforts to provide appropriate information and education to people in difficult situations where their rights are endangered.

In addition to the proposed objectives (1) and (2) above, attention should be paid to vulnerable groups as well as to potential and actual violators with a view to preventing abuse and to protecting the victims. The level of intervention for this education and protection will depend on:

A. The type of situation, such as:

1. armed conflicts of either an international or non-international character;
2. internal tension, unrest, uprisings and state of emergency;
3. periods of transition from dictatorship to democracy or of threats to democracy;
4. foreign occupation;
5. natural disasters.

B. The needs of specific groups, such as:

1. women;
2. children;
3. indigenous peoples;
4. refugees and internally displaced persons;
5. political prisoners;
6. minorities;
7. migrant workers;

8. disabled persons;
9. persons with HIV/AIDS.

It is to be noted that the early adoption of the United Nations draft declaration relating to the rights and responsibilities of individuals and organs of society to promote and protect human rights would be a major contribution to the implementation of this aspect of the Plan.

Research, information and documentation

Given the essential role of research, information and documentation for the implementation of the Plan of Action and the United Nations Public Information Campaign for Human Rights, a major effort should be directed towards diversifying information resources, documentation and teaching and learning materials directed to meet the practical needs of teaching and training at different levels and for different audiences. It is equally important to strengthen existing national, regional and international information networks, to help build new ones where necessary and also to encourage the creation of local information and documentation centres so that suitable materials are collected and skills developed in gathering information and documentation through:

- (i) inexpensive and easy access to up-to-date information;
- (ii) simple computerisation and search systems;
- (iii) identification, creation and strengthening of national, regional and international research centres and clearing-houses on human rights information;
- (iv) encouragement to share information - south/south, east/west and north/south serving both educators and documentalists of human rights and co-ordinated by a non-governmental organization active in the field of information;
- (v) protection and security of information gathered by fact-finding missions, human rights education projects, etc.;
- (vi) development of human rights media other than printed material that would include audio-visuals, transparencies, music, games, toys and other forms appropriate for reaching non-literate people and children. Means would have to be found to ensure the availability of such material in local languages;
- (vii) support for research based on a global view of human rights, taking into account the close interdependence between human rights, development, democracy and environment.

The role of UNESCO is of particular importance in enhancing the quality of publications in the area of human rights education and for the best use and distribution of information, documentation and materials. Such activities would require *inter alia* the strengthening of the infrastructure of UNESCO and close co-operation with other documentation and information centres, including those of the United Nations system.

Obstacles to overcome

It is to be noted, in particular, that the success of the Plan depends on the understanding that planning; at all levels must be appropriate when confronting problems such as:

- (i) the absence of political will of certain partners;
- (ii) the dangers of marginalization of the process internationally as well as intranationally;
- (iii) the absence of target group involvement in the development and use of material, processes and policies;
- (iv) the potential use of unsuitable methodologies;
- (v) the lack of training of many participants;
- (vi) the insufficiency of co-ordination and co-operation between the national, regional and international levels;
- (vii) the occasional tendency to confine human rights education to the legal profession;
- (viii) the lack of a multidisciplinary approach;
- (ix) the resistance to change provoked by new relationships based on human rights.

Conclusion

The challenge the World Plan of Action for Education on Human Rights and Democracy will have to meet is that of translating human rights, democracy and concepts of peace, of sustainable development and of international solidarity into social norms and behaviour. This is a challenge for humanity: to build a peaceful, democratic, prosperous and just world. Constant active education and learning is needed to meet such a challenge.

It is hoped that this Plan of Action will be implemented by committed nations, individuals, groups, every organ of society, and the international community at large, to ensure its full success for the benefit of present and future generations.

71. Seoul Recommendations on Democracy and Tolerance

(Adopted at the International Conference on Democracy and Tolerance, 27-29 September 1994)

The participants of the International Conference on Democracy and Tolerance, organized by the Korean National Commission for UNESCO under the auspices and in co-operation with UNESCO and in collaboration with Hanyang University, Chonnam National University, and the Daewoo Foundation in Seoul from 27 to 29 September 1994, in conformity with Resolution 27 C/5.14 of the twenty seventh session of the General Conference of UNESCO, have agreed to adopt the following recommendations.

I

1. The conference expressed its deep appreciation to the Korean National Commission for UNESCO for its generosity in hosting this meeting. The conference, which includes participants from many different countries, offered its encouragement for all efforts of governments and NGOs to promote tolerance, human rights, democracy and peace on the Korean peninsula and elsewhere.
2. The participants of the conference noted that the UN Charter in its Preamble enjoins the peoples of the world to practice tolerance and live together as good neighbours. On the eve of the 50th anniversary of the founding of the United Nations lamentably this goal has yet to be reached.
3. The post-Cold War world is fraught with instability, resurgent racism, ethnocentrism, and the danger that these pose for all peoples but it also offers new opportunities to make the practice of tolerance the basis of the conduct of national and international affairs. The opportunity must now be taken by the world community to overcome intolerance and to eliminate its sources.
4. The conference welcomed the proclamation by the United National General Assembly, at the initiative of UNESCO, of 1995 as the United Nations Year for Tolerance. Tolerance is one of the major principles necessary for the maintenance of peace, the prevention of armed conflicts and violence, and the restoration of a climate conducive to reconciliation in countries which have been torn by war or civil strife. The conference in its deliberations brought out the inherent link between tolerance, democracy, the rule of the law, and respect for human rights and fundamental freedoms for all without distinction as to race, national or ethnic origin, language, gender, religion or belief.
5. While the virtue of tolerance is readily understood, it is not an easy concept to define. Tolerance must be understood as more than a passive acceptance or indifference to others but rather as a positive acceptance of human diversity. Tolerance does not require acceptance of those who act intolerably. The conference believes that tolerance is best realized in a fully democratic society. Further work needs to be undertaken to elaborate the relationship between the practice of tolerance and pluralist democracy, including pluri-ethnic democracy.

II

6. The conference reminds States of the commitment of the World Conference on Human Rights in Vienna (1993) to ensure universal ratification of human rights instruments. The conference calls on States which have ratified international human rights instruments to withdraw

all reservations to these instruments. It also reminds States that the World Conference declared that all human rights are universal, indivisible and interrelated.

7. The conference recalled that the Universal Declaration of Human Rights proclaims the right of everyone to a just social and international order. Governments from the richer countries must take effective action to make the world a more tolerable place for those millions of people who live in extreme poverty and degradation. The existence of widespread, extreme poverty inhibits the full and effective enjoyment of human rights and breeds intolerance and violence. Their immediate alleviation and eventual elimination must remain a high priority for the international community. This requires a new international basis for the sharing of resources.

8. States should introduce laws to prevent manifestations of ethnic, religious, national or sexist discrimination.

9. All governments should take immediate measures to develop strong policies to prevent and combat all forms and manifestations of racism, xenophobia and related intolerance, where necessary by enactment of appropriate legislation, including penal measures, and by the establishment of national institutions to combat such phenomena. Governments should take particular measures to protect migrant workers from discrimination and intolerance.

10. The conference calls on States to ensure the full implementation of the 1981 Declaration on the Elimination of All Forms of Intolerance Based on Religion or Belief and to ensure a full debate in the United Nations Commission on Human Rights on the question of the adoption of convention on freedom of religion or belief.

11. States must develop the capacity of the United Nations and regional organizations to play an effective role in the prevention of conflicts and in the work of peace-making and peace-keeping.

III

12. All individuals and States should make efforts to foster tolerance towards others and to contribute to the establishment of a global culture of tolerance.

13. Human rights education should include education for tolerance. Education for human rights, tolerance, and democracy should encompass pre-primary, primary, secondary and vocational training, post-secondary colleges and universities as well as teacher training/education. Such education should extend beyond the school into adult education and the workplace.

14. Programmes on tolerance should also be included in education and training of security, army, law enforcement personnel, etc.; public officials and decision-makers; members of the medical and legal professions and media personnel.

15. Education for tolerance should also be included in the training of religious teachers.

16. National programmes to promote tolerance should involve NGOs and be based in the community. The conference was informed of the initiative on education for tolerance recently undertaken in Rio de Janeiro, Brazil. The conference recommends that this initiative, which involved co-operation between human rights organizations, schools, and community groups, be considered a model for other regions of the world.

IV

17. The religions and beliefs of the world have a vital role in the promotion of tolerance and have a great responsibility to adhere to the ideals of tolerance and to practise tolerance within their own religious community and in their relations with other faiths. The conference encourages inter-faith dialogues at all levels as an important means for promoting attitudes of tolerance within and between societies.

18. The mass media and others involved in providing information services have an important role in democratic society with regard to informing objectively citizens about all aspects of life of their own country and of the world. The importance of tolerance should be recognized and reflected in codes of conduct of all media.

V UNESCO Action for Tolerance

19. The conference recommends that UNESCO develop a long-term programme of action in the field of tolerance, democracy and peace, including drafting a declaration containing guiding principles in this field.

20. Any such programme should bear in mind the following objectives:

- to create a climate conducive to co-operation, mutual understanding and harmonious interaction between peoples and communities;
- to advance popular recognition of the interdependence of the peoples of the world; to reduce or to prevent tension and violence;
- to reduce or prevent tension and violence;
- to inspire respect for freedom of conscience and the individual's spiritual and intellectual autonomy;
- to achieve acceptance of and respect for the positive values inherent in ethnic, religious, and cultural diversity existing in the contemporary world, including the cultures of indigenous peoples.

21. The conference supports the UNESCO initiative to proclaim a Day for Tolerance to be observed each year throughout the world in educational and public institutions. It also proposes that UNESCO establish a special award for outstanding contributions to the promotion of tolerance by means of education.

22. The conference also proposes that UNESCO establish chairs and centres within the UNITWIN network, to promote tolerance, peace, democracy and human rights by means of education, research, and publications.

23. The conference urges UNESCO to make a particular effort in the Year for Tolerance to involve the media as partners in the promotion of tolerance.

24. The conference recommends that UNESCO establish contact with organizers of local and regional programmes to promote tolerance and ensure that their achievements are recognized, publicized and studied.

25. The conference considers that UNESCO should take steps to evaluate and report on the proposed action programme on tolerance on a regular basis.

72. Declaration (Geneva, Switzerland, 1994) and Integrated Framework of Action on Education for Peace, Human Rights and Democracy (PARIS, 1995)

Declaration of the 44th session of the International Conference on Education, Geneva, Switzerland, October 1994

1. *We*, the Ministers of Education meeting at the 44th session of the International Conference on Education,

Deeply concerned by the manifestations of violence, racism, xenophobia, aggressive nationalism and violations of human rights, by religious intolerance, by the upsurge of terrorism in all its forms and manifestations and by the growing gap separating wealthy countries from poor countries, phenomena which threaten the consolidation of peace and democracy both nationally and internationally and which are all obstacles to development,

Mindful of our responsibility for the education of citizens committed to the promotion of peace, human rights and democracy in accordance with the letter and spirit of the Charter of the United Nations, the Constitution of UNESCO, the Universal Declaration of Human Rights and other relevant instruments such as the Convention on the Rights of the Child and the conventions on the rights of women, and in accordance with the Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms,

Convinced that education policies have to contribute to the development of understanding, solidarity and tolerance among individuals and among ethnic, social, cultural and religious groups and sovereign nations,

Convinced that education should promote knowledge, values, attitudes and skills conducive to respect for human rights and to an active commitment to the defence of such rights and to the building of a culture of peace and democracy,

Equally convinced:

- of the great responsibility incumbent not only on parents, but on society as a whole, to work together with all those involved in the education system, and with non-governmental organizations, so as to achieve full implementation of the objectives of education for peace, human rights and democracy and to contribute in this way to sustainable development and to a culture of peace;
- of the need to seek synergies between the formal education system and the various sectors of non-formal education, which are helping to make a reality of education that is in conformity with the aims of the World Declaration on Education for All, adopted in Jomtien;

- of the decisive role that also falls to non-formal educational organizations in the process of forming the personalities of young people.

2. Strive resolutely:

2.1 to base education on principles and methods that contribute to the development of the personality of pupils, students and adults who are respectful of their fellow human beings and determined to promote peace, human rights and democracy;

2.2 to take suitable steps to establish in educational institutions an atmosphere contributing to the success of education for international understanding, so that they become ideal places for the exercise of tolerance, respect for human rights, the practice of democracy and learning about the diversity and wealth of cultural identities;

2.3 to take action to eliminate all direct and indirect discrimination against girls and women in education systems and to take specific measures to ensure that they achieve their full potential;

2.4 to pay special attention to improving curricula, the content of textbooks, and other educational materials including new technologies, with a view to educating caring and responsible citizens, open to other cultures, able to appreciate the value of freedom, respectful of human dignity and differences, and able to prevent conflicts or resolve them by non-violent means;

2.5 to adopt measures to enhance the role and status of educators in formal and non-formal education and to give priority to pre-service and in-service training as well as the retraining of educational personnel, including planners and managers, oriented notably towards professional ethics, civic and moral education, cultural diversity, national codes and internationally recognized standards of human rights and fundamental freedoms;

2.6 to encourage the development of innovative strategies adapted to the new challenges of educating responsible citizens committed to peace, human rights, democracy and sustainable development, and to apply appropriate measures of evaluation and assessment of these strategies;

2.7 to prepare, as quickly as possible and taking into account the constitutional structures of each State, programmes of action for the implementation of this Declaration.

3. We are determined to increase our efforts to:

3.1 give a major priority in education to children and young people, who are particularly vulnerable to incitements to intolerance, racism and xenophobia;

3.2 seek the co-operation of all possible partners who would be able to help teachers to link the education process more closely to real social life and transform it into the practice of tolerance and solidarity, respect for human rights, democracy and peace;

3.3 develop further, at the national and international levels, exchanges of educational experiences and research, direct contacts between students, teachers and researchers,

school twinning arrangements and visits, with special attention to experimental schools such as UNESCO Associated Schools, to UNESCO Chairs, educational innovation networks and UNESCO Clubs and Associations;

3.4 implement the Declaration and Programme of Action of the World Conference on Human Rights (Vienna, June 1993) and the World Plan of Action on Education for Human Rights and Democracy adopted at the International Congress on Education for Human Rights and Democracy (Montreal, March 1993), and make the internationally recognized instruments in the field of human rights available to all educational establishments;

3.5 contribute, through specific activities, to the celebration of the United Nations Year for Tolerance (1995), and particularly to the inauguration, on the occasion of the fiftieth anniversary of the United Nations and UNESCO, of the celebration of the International Day for Tolerance.

Consequently, we, the Ministers of Education meeting at the 44th session of the International Conference on Education, adopt this Declaration and invite the Director General to present to the General Conference a Framework of Action that allows Member States and UNESCO to integrate, within a coherent policy, education for peace, human rights and democracy in the perspective of sustainable development.

Integrated Framework of Action on Education for Peace, Human Rights and Democracy

This Integrated Framework of Action was prepared in accordance with resolution 5.7 adopted by the General Conference at its 27th session, which invites the Director-General "to finalize the integrated action plan on education for peace, human rights and democracy, taking into account all existing action plans in the field of international education [...] and to submit the integrated action plan for consideration by the International Conference on Education in 1994 and for approval by the General Conference at its 28th session, taking due account of any comments and recommendations made by the 1994 International Conference on Education".

The Framework offers a contemporary view of the problems relating to education for peace, human rights and democracy. It sets out objectives for such education, action strategies and policies and lines of action at the institutional, national and international levels.

I Introduction

1. This Integrated Framework of Action on Education for Peace, Human Rights and Democracy is intended to give effect to the Declaration adopted at the 44th session of the International Conference on Education. It suggests basic guidelines which could be translated into strategies, policies and plans of action at the institutional and national levels according to the conditions of different communities.

2. In a period of transition and accelerated change marked by the expression of intolerance, manifestations of racial and ethnic hatred, the upsurge of terrorism in all its forms and manifestations, discrimination, war and violence towards those regarded as 'others' and the

growing disparities between rich and poor, at international and national levels alike, action strategies must aim both at ensuring fundamental freedoms, peace, human rights, and democracy and at promoting sustainable and equitable economic and social development all of which have an essential part to play in building a culture of peace. This calls for a transformation of the traditional styles of educational action.

3. The international community has recently expressed its firm resolve to provide itself with instruments adapted to the current challenges in the world in order to act in a concerted and effective way. The Vienna Declaration and Programme of Action for Human Rights adopted by the World Conference on Human Rights (Vienna, June 1993), the World Plan of Action on Education for Human Rights and Democracy adopted by the International Congress on Education for Human Rights and Democracy (Montreal, March 1993), and the Associated Schools Project Strategy and Plan of Action 1994-2000 are, in this respect, attempts to respond to the challenge of promoting peace, human rights, democracy and development.

4. Taking inspiration from the Recommendation on Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms, this Framework of Action seeks to suggest to Member States and international governmental and non-governmental organizations an up-to-date and integrated view of problems and strategies concerning education for peace, human rights and democracy. It was drawn up at the request of the General Conference at its twenty-seventh session, taking into account existing action plans, and its purpose is to enhance their practical relevance and effectiveness. The idea then is to draw on accumulated experience in order to chart new directions for the education of citizens in every country. The Framework of Action accordingly identifies principles and objectives of action and formulates proposals for the consideration of policy-makers within each State and for co-operation between countries on the basis of the commitments contained in the Declaration, to which it is closely linked. It also attempts to bring together into a coherent whole the various measures aimed at defining study topics, realigning education at all levels, rethinking methods and reviewing teaching materials in use, stimulating research, developing teacher training and helping to make the education system more open to society by means of active partnership.

5. All human rights are universal, indivisible, interdependent and interrelated. The strategies of action for their implementation must take specific historic, religious and cultural considerations into account.

II Aims of education for peace, human rights and democracy

6. The ultimate goal of education for peace, human rights and democracy is the development in every individual of a sense of universal values and types of behaviour on which a culture of peace is predicated. It is possible to identify even in different socio-cultural contexts values that are likely to be universally recognized.

7. Education must develop the ability to value freedom and the skills to meet its challenges. This means preparing citizens to cope with difficult and uncertain situations and fitting them for personal autonomy and responsibility. Awareness of personal responsibility must be linked to recognition of the value of civic commitment, of joining together with others to solve problems and to work for a just, peaceful and democratic community.

8. Education must develop the ability to recognize and accept the values which exist in the diversity of individuals, genders, peoples and cultures and develop the ability to communicate,

share and co-operate with others. The citizens of a pluralist society and multicultural world should be able to accept that their interpretation of situations and problems is rooted in their personal lives, in the history of their society and in their cultural traditions; that, consequently, no individual or group holds the only answer to problems; and that for each problem there may be more than one solution. Therefore, people should understand and respect each other and negotiate on an equal footing, with a view to seeking common ground. Thus education must reinforce personal identity and should encourage the convergence of ideas and solutions which strengthen peace, friendship and solidarity between individuals and people.

9. Education must develop the ability of non-violent conflict-resolution. It should therefore promote also the development of inner peace in the minds of students so that they can establish more firmly the qualities of tolerance, compassion, sharing and caring.

10. Education must cultivate in citizens the ability to make informed choices, basing their judgements and actions not only on the analysis of present situations but also on the vision of a preferred future.

11. Education must teach citizens to respect the cultural heritage, protect the environment, and adopt methods of production and patterns of consumption which lead to sustainable development. Harmony between individual and collective values and between immediate basic needs and long-term interests is also necessary.

12. Education should cultivate feelings of solidarity and equity at the national and international levels in the perspective of a balanced and long-term development.

III Strategies

13. In order to achieve these aims, the strategies and forms of action of education systems will clearly need to be modified, as necessary, in respect both of teaching and of administration. Furthermore, providing basic education for all, and promoting the rights of women as an integral and indivisible part of universal human rights, are fundamental in education for peace, human rights and democracy.

- Strategies relating to education for peace, human rights and democracy must:
- be comprehensive and holistic, which means addressing a very broad range of factors some of which are described in more detail below;
- be applicable to all types, levels and forms of education:
- involve all educational partners and various agents of socialization, including NGOs and community organizations;
- be implemented locally, nationally, regionally and worldwide;
- entail modes of management and administration, co-ordination and assessment that give greater autonomy to educational establishments so that they can work out specific forms of action and linkage with the local community, encourage the development of innovations and foster active and democratic participation by all those concerned in the life of the establishment; f - be suited to the age and psychology of the target group and taken account of the evolution of the learning capacity of each individual: g - be applied on a continuous and consistent basis. Results and obstacles have to be assessed, in order to ensure that strategies can be continuously adapted to changing circumstances; h - include proper resources for

the above aims, for education as a whole and especially for marginalized and disadvantaged groups.

15. The degree of change required, priorities for action and the sequence of actions should be determined at all decision-making levels taking into account different historical backgrounds, cultural traditions and development levels of regions and countries, and even within countries.

IV Policies and lines of action

16. The incorporation into curricula at all levels of education, formal and non-formal, of lessons on peace, human rights and democracy is of crucial importance.

Content of education

To strengthen the formation of values and abilities such as solidarity, creativity, civic responsibility, the ability to resolve conflicts by non-violent means, and critical acumen, it is necessary to introduce into curricula, at all levels, true education for citizenship which includes an international dimension. Teaching should particularly concern the conditions for the construction of peace; the various forms of conflict, their causes and effects; the ethical, religious and philosophical bases of human rights, their historical sources, the way they have developed and how they have been translated into national and international standards, such as in the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child; the bases of democracy and its various institutional models; the problem of racism and the history of the fight against sexism and all the other forms of discrimination and exclusion. Particular attention should be devoted to culture, the problem of development and the history of every people, as well as to the role of the United Nations and international institutions. There must be education for peace, human rights and democracy. It cannot, however, be restricted to specialized subjects and knowledge. The whole of education must transmit this message and the atmosphere of the institution must be in harmony with the application of democratic standards. Likewise, curriculum reform should emphasize knowledge, understanding and respect for the culture of others at the national and global level and should link the global interdependence of problems to local action. In view of religious and cultural differences, every country may decide which approach to ethical education best suits its cultural context.

Teaching materials and resources

18. All people engaged in educational action must have adequate teaching materials and resources at their disposal. In this connection, it is necessary to make the necessary revisions to textbooks to get rid of negative stereotypes and distorted views of "the other". International co-operation in producing textbooks could be encouraged. Whenever new teaching materials, textbooks and the like are to be produced, they should be designed with due consideration of new situations. The textbooks should offer different perspectives on a given subject and make transparent the national or cultural background against which they are written. Their content should be based on scientific findings. It would be desirable for the documents of UNESCO and other United Nations institutions to be widely distributed and used in educational establishments, especially in countries where the production of teaching materials is proving slow owing to economic difficulties. Distance education technologies and all modern communication tools must be placed at the service of education for peace, human rights and democracy.

Programmes for reading, expression and the promotion of foreign languages

19. It is essential for the development of education for peace, human rights and democracy that reading, and verbal and written expression programmes should be considerably strengthened. A comprehensive grasp of reading, writing and the spoken word enables citizens to gain access to information, to understand clearly the situation in which they are living, to express their needs, and to take part in activities in the social environment. In the same way, learning foreign languages offers a means of gaining a deeper understanding of other cultures, which can serve as a basis for building better understanding between communities and between nations. UNESCO's LINGUAPAX project could serve as an example in that respect.

Educational establishments

20. Proposals for educational change find their natural place in schools and classrooms. Teaching and learning methods, forms of action and institutional policy lines have to make peace, human rights and democracy both a matter of daily practice and something that is learned. With regard to methods, the use of active methods, group work, the discussion of moral issues and personalized teaching should be encouraged. As for institutional policy lines, efficient forms of management and participation must promote the implementation of democratic school management, involving teachers, pupils, parents and the local community as a whole.

21. Direct contacts and regular exchanges should be promoted between pupils, students, teachers and other educators in different countries or cultural environments, and visits should be organized to establishments where successful experiments and innovations have been carried out, particularly between neighbouring countries. Joint projects should be implemented between establishments and institutions from different countries, with a view to solving common problems. International networks of pupils, students and researchers working towards the same objectives should also be set up. Such networks should, as a matter of priority, ensure that schools in particularly difficult situations due to extreme poverty or insecurity should take part in them. With this in mind, it is essential to strengthen and develop the UNESCO Associated Schools System. All these activities, within the limits of available resources, should be introduced as an integral component of teaching programmes.

22. The reduction of failure must be a priority. Therefore, education should be adapted to the individual student's potential. The development of self-esteem, as well as strengthening the will to succeed in learning, are also basic necessities for achieving a higher degree of social integration. Greater autonomy for schools implies greater responsibility on the part of teachers and the community for the results of education. However, the different development levels of education systems should determine the degree of autonomy in order to avoid a possible weakening of educational content.

Teacher-training

23. The training of personnel at all levels of the education system - teachers, planners, managers, teacher educators - has to include education for peace, human rights and democracy. This pre-service and in-service training and retraining should introduce and apply in situ methodologies, observing experiments and evaluating their results. In order to perform their tasks successfully, schools, institutions of teacher education and those in charge of non-formal education programmes should seek the assistance of people with experience in the fields of peace, human rights and democracy (politicians, jurists, sociologists and psychologists) and of the NGOs

specialized in human rights. Similarly, pedagogy and the actual practice of exchanges should form part of the training courses of all educators.

24. Teacher education activities must fit into an overall policy to upgrade the teaching profession. International experts, professional bodies and teachers' unions should be associated with the preparation and implementation of action strategies because they have an important role to play in the promotion of a culture of peace among teachers themselves.

Action on behalf of vulnerable groups

25. Specific strategies for the education of vulnerable groups and those recently exposed to conflict or in a situation of open conflict are required as a matter of urgency, giving particular attention to children at risk and to girls and women subjected to sexual abuse and other forms of violence. Possible practical measures could include, for example, the organization outside the conflict zone of specialized forums and workshops for educators, family members and mass media professionals belonging to the conflicting groups and an intensive training activity for educators in post-conflict situations. Such measures should be undertaken in co-operation with governments whenever possible.

26. The organization of education programmes for abandoned children, street children, refugee and displaced children and economically and sexually exploited children are a matter of urgency.

27. It is equally urgent to organize special youth programmes, laying emphasis on participation by children and young people in solidarity actions and environmental protection.

28. In addition, efforts should be made to address the special needs of people with learning difficulties by providing them with relevant education in a non-exclusionary and integrated educational setting.

29. Furthermore, in order to create understanding between different groups in society, there must be respect for the educational rights of persons belonging to national or ethnic, religious and linguistic minorities, as well as indigenous people, and this must also have implications in the curricula and methods as well as in the way education is organized.

Research and development

30. New problems require new solutions. It is essential to work out strategies for making better use of research findings, to develop new teaching methods and approaches and to improve co-ordination in choosing research themes between research institutes in the social sciences and education in order to address in a more relevant and effective way the complex nature of education for peace, human rights and democracy. The effectiveness of educational management should be enhanced by research on decision-making by all those involved in the educational process (government, teachers, parents, etc.). Research should also be focused on finding new ways of changing public attitudes towards human rights, in particular towards women, and environmental issues. The impact of educational programmes may be better assessed by developing a system of indicators of results, setting up data banks on innovative experiments, and strengthening systems for disseminating and sharing information and research findings, nationally and internationally.

Higher education

31. Higher education institutions can contribute in many ways to education for peace, human rights and democracy. In this connection, the introduction into the curricula of knowledge, values and skills relating to peace, human rights, justice, the practice of democracy, professional ethics, civic commitment and social responsibility should be envisaged. Educational institutions at this level should also ensure that students appreciate the interdependence of States in an increasingly global society.

Co-ordination between the Education Sector and other agents of socialization

32. The education of citizens cannot be the exclusive responsibility of the Education Sector. If it is to be able to do its job effectively in this field, the Education Sector should closely cooperate, in particular, with the family, the media, including traditional channels of communication, the world of work and NGOs.

33. Concerning co-ordination between school and family, measures should be taken to encourage the participation of parents in school activities. Furthermore, education programmes for adults and the community in general in order to strengthen the school's work are essential.

34. The influence of the media in the socialization of children and young people is increasingly being acknowledged. It is, therefore, essential to train teachers and prepare students for the critical analysis and use of the media, and to develop their competence to profit from the media by a selective choice of programmes. On the other hand, the media should be urged to promote the values of peace, respect for human rights, democracy and tolerance, in particular by avoiding programmes and other products that incite hatred, violence, cruelty and disrespect for human dignity.

Non-formal education of young people and adults

35. Young people who spend a lot of time outside school and who often do not have access to the formal education system, or to vocational training or a job, as well as young people doing their military service, are a very important target group of education programmes for peace, human rights and democracy. While seeking improved access to formal education and vocational training it is therefore essential for them to be able to receive non-formal education adapted to their needs, which would prepare them to assume their role as citizens in a responsible and effective way. In addition, education for peace, human rights and respect for the law has to be provided for young people in prisons, reformatories or treatment centres.

36. Adult education programmes - in which NGOs have an important role to play - should make everyone aware of the link between local living conditions and world problems. Basic education programmes should attach particular importance to subject-matter relating to peace, human rights and democracy. All culturally suitable media such as folklore, popular theatre, community discussion groups and radio should be used in mass education.

Regional and international co-operation

37. The promotion of peace and democracy will require regional co-operation, international solidarity and the strengthening of co-operation between international and governmental bodies, non-governmental organizations the scientific community, business circles, industry and the media. This solidarity and cooperation must help the developing countries to cater for their needs for promoting education for peace, human rights and democracy.

38. UNESCO should place its institutional capacity, and in particular its regional and international innovation networks, at the service of the efforts to give effect to this Framework of Action. The Associated Schools Project, the UNESCO Clubs and Associations, the UNESCO Chairs, the major education projects for Africa, Asia and the Pacific, Latin America and the Caribbean, the Arab States and Europe, the follow-up bodies of the Jomtien World Conference, and in particular the regional and international conferences of ministers of education should make specific contributions. In these efforts, especially at national level, the active participation of National Commissions for UNESCO should be a strategic asset in enhancing the effectiveness of the actions proposed.

39. UNESCO should introduce questions relating to the application of this Framework of Action at meetings to be held at the highest level regionally and internationally, develop programmes for the training of educational personnel, strengthen or develop networks of institutions, and carry out comparative research on teaching programmes, methods and materials. In accordance with the commitments set forth in the Declaration on Education for Peace, Human Rights and Democracy, the programmes should be evaluated on a regular basis.

40. In this context, UNESCO, in line with the United Nations actions such as *Agenda for Peace*, *Agenda for Development*, *Agenda 21*, *Social Summit* and the *Fourth World Conference on Women*", should launch initiatives to implement this operation with other institutions in the United Nations system and other regional and international organizations, so as to establish a global plan of activities and set priorities for joint, co-ordinated action. This could include a UNESCO-managed fund for international co-operation in education for peace, human rights and democracy.

41. National and international non-governmental organizations should be encouraged to participate actively in the implementation of this Framework of Action.

73. Unesco Integrated Strategy on Democracy within the Framework of the International Centre for Human Sciences - Byblos

Introduction

1. The last quarter of the 20th century saw successive waves of democratization that affected various regions at different times: Iberian Europe, Latin America, South-East Asia, large swathes of Africa and, finally, Eastern Europe. The end of the cold war appeared to initiate a new age of democracy. However, despite the progress made, the global success of democratization cannot be taken for granted. In some regions, non-democratic forms of rule still exist. In others, a number of successful attempts have yet to become stable democracies. In addition, falling turnout at elections, dissatisfaction with politics and politicians, the strength of new populist movements demonstrate that democracy is never permanently anchored anywhere, but requires constant nurturing and development.

2. From the outset, UNESCO has played a key role in the promotion of democratic values and principles. Its constitution upholds the democratic ideals of justice, liberty, equality and solidarity, and considers these principles as fundamental factors in the building of peace. Indeed, the Preamble makes a direct link between “the denial of the democratic principles of the dignity, equality and mutual respect of men” and the “great and terrible war”. The realization of the democratic ideals remains therefore at the core of UNESCO’s actions.

3. In 1992, at its twenty-sixth session, the General Conference invited the Director-General to carry out “educational activities that lay emphasis on respect for cultural identities, tolerance and democratic values”. At its twenty-seventh session, the General Conference highlighted “the importance of the reforms being carried out in the countries of Central and Eastern Europe with a view to consolidating democracy, guaranteeing human rights and ensuring sustainable development in the economic, social, scientific, informational and cultural fields”, and expressed its willingness to contribute to the dissemination of a “culture of democracy” in society. In 1995, the Integrated Framework of Action on Education for Peace, Human Rights and Democracy was adopted by the General Conference, which stresses the need to implement activities towards a “culture of peace”. In its programme on democracy launched in 1990, UNESCO aimed at promoting democratic principles, and fostered international debate and exchange through international symposia. The core themes of the activities were: democratic culture, education for democracy, democratic governance, democracy and social development, poverty exclusion and illiteracy, and science in the service of development.

4. At its 165th session, the Executive Board invited the Director-General to develop an integrated strategy for an international programme on democracy, taking due account of the research programme of the International Centre for Human Sciences at Byblos, Lebanon (from now cited as Byblos) and its potential contribution in the implementation of such a strategy. Byblos, which became fully functional in October 2001, aims at fostering interregional and international exchanges and cooperation, at serving as a forum to disseminate results of research conducted in the field of social and human sciences, at building up research capacities in different regions, and at fostering and strengthening networks of institutes.

5. In developing the present draft strategy, the Social and Human Sciences Sector has held two consultative expert meetings, two meetings of the International Scientific Committee of Byblos,

as well as several meetings of the Board of Management of the Centre. The present document was also discussed with the UNESCO field office staff.

The document contains proposals for reorienting UNESCO's work on democracy by integrating the following components into an integrated strategy:

(i) research and capacity-building at Byblos;

(ii) implementation of the recommendations of the International Panel on Democracy and Development (IPDD) contained in the publication "The Interaction Between Democracy and Development"; and

(iii) UNESCO's programme on democracy.

6. Until now, the work of the democracy programme at UNESCO has focused on the theoretical analysis of the principles of democracy, while the work of Byblos has centered on empirical research. The work of the IPDD aimed at providing a conceptual analysis and recommendations on themes to be considered in the promotion of democracy. The objective in consolidating these efforts into one strategy is to integrate all the three strands with Byblos taking the lead on the coordination of the international research programme of democracy, it being understood that UNESCO's action to promote education to democracy would be carried out by the Education Sector outside of this strategy. The present strategy proposes the theme Democracy, Culture and Peace as the overall theme of the democracy programme.

The proposed strategy contains three main lines of action:

I. Fostering comparative analytical research

II. Organizing international dialogues on the future of democracy

III. Supporting democracy in post-conflict societies

ACTION I. FOSTERING COMPARATIVE ANALYTICAL RESEARCH

7. The widespread democratic progress since 1980 could be considered as the "globalization of democracy" in the world. Indeed, in recent years, demands of political freedom, representation, participation and accountability resonated in various regions. But while there is an emergence of a general consensus on the desirability of democratic societies, there has yet to be a profound understanding on the means to bring about democracy and entrench it. The question as to how democratic systems in various countries are established remains often dominated by the response that democracy is only possible under certain cultural, economic and social conditions, which are not universal. But current empirical research shows otherwise, namely that democracy is possible under diverse and different cultural situations. In order to assess the possibility of democratic practice and to fully comprehend the mechanisms which nurture the development and maintenance of democracy, it is important to encourage the generation of new knowledge which questions the prevailing paradigm and which will endeavour to show that democracy can be nourished everywhere despite the different traditions and cultures which ground societies.

The research programme

8. The generation of new knowledge through analytical empirical research and capacity-building will be coordinated by Byblos. The initial programme of work will focus on democracy and its relationship with culture. The aim is to conduct comparative empirical research on hypotheses (case studies) about determinants of democracy in order to analyse the compatibility of democracy with the will of the people living under diverse cultural traditions. These studies will be conducted in the field through surveys, opinion polls and analysis of media, focusing on citizens' attitudes to democracy. Hypotheses about the relevance of different determinants – as substantiated, contradicted or modified by comparing several cases of culturally different sub-societies – may provide a new approach to democracy theory.

9. Later the focus will be widened to cover democracy and its relationship to themes such as ethnicity, peace, development, etc. The objective is to achieve a better understanding about the reality of democracy in the world, in particular, the way in which democratic principles are understood and practised by the people in the different regions.

Capacity-building

10. The Byblos Centre will assist Member States in developing the capacities of researchers, especially the young researchers, to conduct empirical research on democracy. The action will include the following:

(a) Research Training: Through the studies conducted in selected countries, teams of young scholars will be chosen to do the research under the supervision of the Director of the Centre. The researchers will be provided training in methodology of empirical research and will be trained to plan and conduct case studies.

(b) Tutorship Programme: A limited number of graduate and doctoral students writing on subjects related to the Centre's research objectives will be accepted and tutored for their research.

(c) The Byblos Middle East Autumn School: A yearly Byblos Autumn school will be held with participants from the wider Middle East, the Caucasian States, Central Asian countries, Latin America and Africa.

Partners

11. Efforts will be made to establish an international network of research and training institutes to work in cooperation with Byblos. This network will undertake joint research and capacity-building initiatives. The following institutions have been identified so far:

Centre National d'Appui au Développement et à la participation populaire (Kinshasa, RDC)

Caucasian Institute for Peace, Development and Democracy (Russian Federation)

UNAM(Mexico)

Arnold Bergstaesser Institut (Germany)

Gorée Institute, African Peace Academy (Senegal)

Social Science Research Council (United States)

University of Philippines (Philippines)

Université St Joseph (Lebanon)

International Centre for Human Rights and Democratic Development (Canada).

Publication and dissemination

12. The result of the new knowledge on the determinants of democracy will be published and widely disseminated to the communities, through the UNESCO National Commissions and through seminars animated by research teams.

ACTION II. ORGANIZING INTERNATIONAL DIALOGUES ON THE FUTURE OF DEMOCRACY

13. Globalization is a major phenomenon of our era influencing the state of democracies everywhere. It has intensified international exchange and given rise to new actors. It has strengthened the extent to which international factors influence democratizing movements, and has opened the ways to the internationalization of the democratic struggle. It is therefore necessary to re-examine the setting for democracy in this new global situation, and to examine the ways in which globalization impacts on democracy, and how it could, or should, become an opportunity for the full realization of democracy in the world.

14. In order to respond to these new challenges, prospective analysis and fostering of international dialogues will be conducted within the framework of the follow-up to IPDD. The international dialogues will be grounded on reflection and research on democratic norms, values and principles and their relationship to the key issues of globalization and development. This action will include the production of concept papers and the holding of international conferences in different regions of the world with members of IPDD, decision-makers and researchers.

15. The first in the series of international conferences was organized in Lebanon. The conference, entitled "Democracy and Peace" (June 2-3, 2003, Beirut, Lebanon), gathered key members of IPDD, Lebanese policy-makers, and the local community of academia, civil society, diplomacy and students. This was realized with the cooperation of the Byblos Centre, IPDD, UNESCO Headquarters and the Beirut Office under the auspices of the Lebanese Ministry of Culture. The report of this first conference will be published in the coming months.

Capacity-building

16. The capacity-building element will be part and parcel of the international dialogues. The following activities will be organized around the conferences with a view to building capacities in different countries:

(a) seminars with academics on such themes as the universalization of democracy;

(b) seminars with policy-makers to raise awareness of the current and future challenges to democracy and to foster ethics of leadership for democratic governance;

(c) seminars with business leaders to explore the relationship between economic development and democracy;

(d) seminars with journalists to foster better knowledge of journalists to the challenges of globalization and the role of communication in democratic development.

Partners

17. The partners in this line of action include the members of the IPDD, the UNESCO National Commissions, the UNESCO field offices, and various research centres, networks and institutes.

Publication and dissemination

18. The outcome of the conferences will be disseminated through a publication series in the main languages of UNESCO to the following communities:

- United Nations agencies, intergovernmental organizations, UNESCO Member States;
- academic communities, researchers and students of political science;
- policy-making communities;
- advocacy groups and other social actors.

The distribution will be done mainly through the UNESCO National Commissions.

ACTION III. SUPPORTING DEMOCRACY IN POST-CONFLICT SOCIETIES

19. A large number of countries in different regions of the world have been or are affected by violent conflicts, in which the international community is making efforts to restore peace. Subsequent peace agreements will invariably involve attempts at setting up new democratic institutions, power-sharing arrangements, and at entrenching a culture of human rights. In this new dispensation, United Nations agencies are often called in to contribute to the reconstruction and reconciliation processes. Further, the most recent resolution of the 2002 General Assembly of the United Nations calls for the relevant specialized agencies and bodies of the United Nations system to contribute actively to assist countries in the task of promoting and consolidating democracy, namely by the strengthening of democratic governability and the rule of law.

20. In the recent past, UNESCO has joined forces with other agencies in the United Nations system to participate in programmes of reconstruction and reconciliation. Afghanistan, Israel/Palestine, Iraq, the Democratic Republic of the Congo are the latest examples of the engagement of the Organization in this domain. The contribution of UNESCO has mainly focused on the rehabilitation of the education system, the development of human resources, the promotion of independent media, and the rehabilitation and protection of cultural heritage. The proposed integrated strategy on democracy will bring UNESCO to contribute more directly to the restoration and/or establishment of democracy through a programme of research and capacity-building.

The research programme

21. The immediate aftermath of ethnic and factional conflict may pose the strongest challenge for implementing democracy. Since each country comes with its own history, cultural traditions, ethnic make-up, etc., there is no “ready-to-use” model. Rather there is a need in each context for domestic, social and political scientists to identify solutions that have worked elsewhere, that can be helpful to suggest arrangements compatible with the particular settings and based on a realistic appreciation of the nature and power of the interests involved. The aim here is to encourage the promotion of democracy by local actors in the academic community who will make use of the results of the analytical research produced by Byblos and the debate generated by IPDD.

22. This could be done through the setting-up of new research and training centres or the strengthening of existing ones in the countries affected, for example in the universities of Baghdad, Kabul or Kinshasa. Working closely with the Byblos Centre in Lebanon, these centres would conduct research, disseminate information, and interact with policy-makers and civil society in the building-up of the new democracies. Existing studies and research, as well as the lessons to be learned from previous United Nations programmes on the promotion of democracy in post-conflict societies will be reviewed and integrated into the body of work.

Capacity-building

23. The capacity-building action will include the following:

(a) The local centres would engage in training and capacity-building with the new legislators, civil servants and leaders of civil society in order to foster consensus around the need to protect and promote human rights, gender equality, and the rule of law. They could manage programmes of Civil Societies in Dialogue, similar to the one currently being run in Israel/Palestine by the Social and Human Sciences Sector.

(b) The local centres would also develop training programmes for magistrates, army officials, police and security forces in cooperation with the Office of the High Commissioner of Human Rights and NGOs. The objective is to use the window of opportunity created by a new peace settlement to invest significantly in the dissemination of universal human rights principles and democratic norms.

Partners

24. The partners in this line of action would include the United Nations Secretariat, UNDP, the United Nations University, research centres and NGOs, and the relevant ministries in the country.

Publication and dissemination

25. The research generated by the local centres will be published by Byblos and communicated for awareness-raising campaigns. The target groups would include:

- United Nations agencies, intergovernmental organizations;
- policy-making communities;
- advocacy groups and other social actors;

– media.