

**“Back to the Future of Human Rights:
Mobilize the democratic faction”**

Thomas O. Melia
Deputy Executive Director, Freedom House

Remarks Prepared for Delivery
at a Symposium organized by the
Democracy and Governance Program
Georgetown University

“Globalizing Autocracy, US Foreign Policy and Democracy Assistance”

Holeman Lounge
National Press Club
Washington, D.C.

December 10, 2008

Operating on the assumption that the incoming Obama administration will have as one of its distinguishing features the re-engagement of the United States in multi-lateral diplomacy, I want to discuss with you today a diplomatic dimension of the democracy promotion effort.

First, however, I would like to begin by commending Professor Barak Hoffman of Georgetown University, director of the university's M.A. program in Democracy and Governance, for organizing this gathering today to discuss the "globalization of autocracy," and what this should mean for U.S. foreign policy and democracy assistance. Barak took the initiative many weeks ago to convene us to discuss this vital topic at the height of this historic American transition to a new administration when so many fundamental aspects of American engagement in the world are being revisited. He also saw fit to do so on the 60th anniversary of the Universal Declaration of Human Rights. The UDHR, and the story of how it came to be drafted and adopted by the United Nations General Assembly on December 10, 1948, are reminders of the leading role that the United States once played in framing international law and international organization, as well as the centrality that international law, including normative human rights law, once played in American thinking about how to engage in the world at large.

For us at Freedom House, this is not 'just' history and it is not 'just' about the United Nations. Today is an occasion to recall the intertwined histories of Freedom House and the Universal Declaration and our shared parentage in the person of Eleanor Roosevelt, the remarkable woman who presided over the launching of Freedom House in 1941. Working with Wendell Willkie, the man her husband had just defeated in the 1940 presidential election, hers was a truly vital voice for American engagement in world affairs. After playing a key role at San Francisco in the drafting of the UN Charter, she was elected to chair the UN Human Rights Commission in each of the first seven years of its existence – and presided over the drafting of the Universal Declaration of Human Rights. For nearly four decades now, that Declaration has provided for us at Freedom House the template for our analysis of political rights and civil liberties around the world in the annual survey *Freedom in the World* and our other publications.

The purpose of today's symposium is to discuss the newly assertive authoritarian states and the unfolding assault on the international order that had been constructed during these sixty years. How real is the challenge, and how the democracies should respond, are the questions for today. I want to offer four basic observations as a foundation for today's discussion.

1. The challenge is real; freedom is in retreat. The autocracies are becoming more assertive at home in suppressing their critics and democratic rivals. Controlling the mechanisms of public discourse is a central part of the effort to control the terms of debate.

While the current downturn in energy prices may soon take some of the wind out of the sails of the most outspoken resource-rich autocracies, such as Venezuela, Russia, and Iran (and their quieter kin, Angola, Azerbaijan, Kazakhstan and the like), it is the fact that freedom is in stagnation overall globally and is declining dramatically in several key countries.

Last year, *Freedom in the World* noted downturns in 38 countries and improvements in just ten. A recent report on freedom of association is even gloomier – associational freedoms declined last year in 43 countries. We are in the midst of our assessment of the year 2008 – the results will be released in mid-January – but I do not anticipate a great reversal of recent trends.

True, there have been notable improvements in democracy in the current decade in some very important places, such as Indonesia and Ukraine, and these should not be overlooked, as significant numbers of men and women are enjoying the benefits (and the frustrations) of open politics, free media and accessible elected government officials. Yet, overall, the trend in the world for the past few years has been negative.

Of particular concern is the downturn in the countries of the former Soviet Union. There has emerged over a number of years now a growing gap in performance between those formerly communist countries that are consolidating democratic systems (such as the Baltic states and the Central Europeans) and those that are consolidating dictatorship. As a leading indication of this decline, the demise of press freedom has been dramatic. The current edition of our *Freedom of the Press*

survey shows that ten of the 12 states of the former Soviet Union are “Not Free”, indicating that these countries do not provide the basic guarantees and protections in the legal, political and economic spheres to enable open and independent journalism. As my colleague Chris Walker wrote recently, press freedom for millions of people across the CIS region

has come nearly full circle [since the collapse of the Soviet Union]. For now, there seems little hope that the rights succinctly enshrined in Article 19 of the Universal Declaration of Human Rights will be enjoyed in these countries anytime soon.¹

Russia, writes Walker, “has seen the most precipitous decline in recent years. Today, all of the major national television stations, from which most Russians get their news and information, have come under state control and are effectively censored.” Even the internet, which has until now remained an arena for free expression even in Russia, “is fast becoming a target of greater interest for new regulatory intervention by the authorities.” The rising economic pressures that are constraining the operations of newspapers worldwide – witness the bankruptcy this week of the storied Tribune Company in our own country – provide yet another boost for autocratic governments to shutter their critics.

- 2. The dictatorships are sharing information and cooperating in thwarting democratic advancement. In addition, they are successfully utilizing the established institutions of the global international order in their effort to validate their efforts.**

There are a number of ways in which the governments of the “Autocratic International,” as one might describe it, are cooperating in their tandem efforts to solidify themselves in power and more generally to thwart the democratic aspirations of their peoples. The most obvious is the copying of anti-democratic legislation, as these governments seek to rule repressively by law instead of submitting themselves to the rule of law. The International Center for Non-Profit law has been documenting the effort to constrain civil society organizations from

¹ Christopher Walker, “Muzzling the Media: the Return of Censorship in the Commonwealth of Independent States,” Freedom House Special Report,

operating, usually be restricting their ability to attain legal status or to receive funding from the international community. In a report released by Freedom House last month, describing the rising tide of attacks on civil society in recent years, my colleague Arch Puddington notes that “associational rights have declined in practically every region of the world [and] are under particular duress in the Middle East and North Africa and in the former Soviet Union.”² Just today, word arrived from Addis Ababa that the Ethiopian parliament, resisting all input and advice from its own citizenry and the international community, has taken a decisive step toward adoption into law of “the Proclamation for the Registration and Regulation of Charities and Societies” which will effectively curtail the many charitable and civic advocacy organizations in that country.

Moreover, some of these autocratic states have decided of late to launch diplomatic offensive, declaring that autocracy is a normative value that ought to be asserted and defending in international venues. Sarah Mendelson has it just about right, I believe, when she writes today on the website of the Center for Strategic and International Studies that,

As America’s global leadership declined, evidence suggests that China and Russia have been increasingly able to set the table concerning the rule of law, advancing a conception of hyper-sovereignty that challenges decades of international law.

I offer an example. Last July 11, in the aftermath of a murderous assault by the government of Zimbabwe on its own citizens in the context of a June runoff presidential election, and with anger rising in Africa over the consequences of Robert Mugabe’s misrule, the UN Security Council convened to consider a Chapter 7 resolution. The resolution would have imposed global arms sanctions on Zimbabwe, and travel and financial restrictions on 14 senior regime officials with the bloodiest hands. The resolution secured the necessary majority of 9 out of 15 states to be adopted, but was defeated by vetoes from China and Russia. Libya and Vietnam predictably voted against the measure, as did South Africa. (The demise of South Africa’s once immense moral authority in world politics in the context of

² Arch Puddington, “Freedom of Association Under Threat: the New Authoritarians’ Offensive against Civil Society,” Freedom House Special Report, November 17, 2008, p.5

the Zimbabwean tragedy is a topic for another day, but it was sadly interesting to note the company it joined on that day.)

The larger, global significance of that day is that these vetoes reflect the growing anti-democratic assertiveness that we have seen on the part of the governments of both Russia and China, and the increasingly active global campaign they wage to lower the standards on human rights and democracy as addressed in international forums. This is not just inference; they explained themselves.

The Russian foreign ministry, for instance, made it clear that Moscow's veto should be understood not only as a "principled position on Zimbabwe," but that it was also intended to be read much more broadly. "[T]he adoption of this document by the UN Security Council would have set a dangerous precedent," said the statement released by the Russian foreign ministry on July 12, "opening the way to the Security Council interfering in countries' internal affairs over various political events, including elections..."

I submit that the decline in U.S. influence in these global institutions stems in equal measure from the Bush Administration's policy of estrangement from the UN, which has dissipated our country's ability to shape outcomes, accompanied by the tarnishing of the luster of the American democratic example in recent years; the fecklessness of too many other democratic states who are not willing to acknowledge and confront bad behavior by their neighbors (especially in the absence of the United States from these battles); and the growing confidence and effectiveness of the world's dictatorships in seizing control of these bodies.

Even when the U.S. adopts a commendable policy, as it has generally done in the case of Zimbabwe, the U.S. has lost its ability to lead the Security Council to adopt even minimal sanctions against a regime as odious as the illegitimate government of Zimbabwe, whose policies are clearly destabilizing the southern African region through the displacement of millions and the impoverishment of an entire nation.

- 3. Not all the news is bleak. There are democratic governments in the world who care increasingly about human rights – growing numbers of them even. We have allies in the world who concur in the importance of the basic human rights, if we can muster them.**

Notwithstanding the double veto in the Security Council last July, important African voices have been speaking out, with clarity and forcefulness, on the problem in Zimbabwe and the need for the region to respect the will of that country's people, rather than to tolerate the descent into darkness of Mugabe's Zimbabwe. These voices are emerging from increasingly democratic countries and their leaders—Ellen Johnson-Sirleaf of Liberia, John Kufour of Ghana, President Kikweti of Tanzania and President Ian Khama of Botswana.

For the first time ever, a SADC election observer delegation condemned an election following Zimbabwe's June 27 debacle. SADC said that "the elections did not represent the will of the people." Led by the courageous president of Zambia, Dr. Levy Mwanawasa, now sadly deceased, a growing chorus of African heads of government has over the course of the past few months spoken out in ever more vociferous terms. Dr. Mwanawasa, then the SADC chairman, said even before the June 27 runoff, "What is happening in Zimbabwe is a matter of serious embarrassment to all of us. It is scandalous for the SADC to remain silent in the light of what is happening."

The fact is that Africa is becoming more democratic over time, more respectful of civil liberties and political rights. The rising tide of African support for a democratic outcome in Zimbabwe, along with rejection of the results of June 27, is therefore as unsurprising as it is significant. While they do not yet constitute a majority in the African Union, there are now enough countries to constitute a democratic caucus within the AU. And it should be US policy to befriend and support those leaders.

While we shouldn't be overjoyed by such modest, incremental changes, there are a couple of other current examples of shifting sentiment in international relations on these matters that suggest that, with adroit American diplomacy, the consensus in support of democratic norms can in fact be strengthened.

- Last Friday, at the conclusion of the annual ministerial meeting of the Organization of Security and Cooperation in Europe, the OSCE, a joint ministerial statement was published that recommitted the member states of the OSCE to the principles and values enshrined in the UDHR. This should not be as newsworthy as it is, because Russia and several allies have in

recent years sought to dumb down the OSCE's standards on democratic performance and to divert resources and energy away from the countries with deficits in adhering to the 'human dimension' commitments of the Helsinki framework. Precisely for that reason, however, and in light of the Russian statement of last July quoted a moment ago, it was a surprising and welcome development that Russia and others concurred in the reaffirmation of their commitment to the "OSCE human dimension" (meaning respect for the human rights provisions originally included in "Basket Three" of the Helsinki accords) and in particular, agreed that these

are matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the State concerned.

This is an important diplomatic reference point and one that suggests that active diplomacy can bear fruit.

- Also in recent days, the UN General Assembly's Third Committee once again voted to send to the full General Assembly an odious resolution seeking to legitimate curtailment of free expression in the guise of a declaration opposing the "defamation of religions." It is introduced annually by the Organization of Islamic Countries, which this year is chaired by Uganda, which dutifully brought forth the resolution, cosponsored by the governments of Belarus and Venezuela in a gesture of solidarity among authoritarian states. However, the not-quite-so-bad news is that the voting margins in support of this resolution are diminishing over time. In 2006, 101 states voted in favor, while 53 voted against and 20 abstained. Last month, only a plurality voted in favor, 86 states, while 50 voted against and 42 chose to abstain. This is the first time since this particular gambit has been tried that most of those governments voting did not vote in favor of the resolution.

Small victories, perhaps, but indications that there is a percolating sentiment in support of basic notions of freedom and human rights that can be consolidated and mobilized. It is up to us to appreciate that it should be mobilized; that it matters what our government and other governments, say.

4. There is an opportunity and a need for reinvigorated American leadership to catalyze the democratic nations of the world to defend and advance their shared values.

Eleanor Roosevelt would not have been surprised at what is happening now in the Human Rights Council or in other quarters. Indeed, she anticipated it. Speaking at the Sorbonne, in September 1948, she said:

We must not be confused about what freedom is. Basic human rights are simple and easily understood: freedom of speech and a free press; freedom of religion and worship; freedom of assembly and the right of petition; the right of men to be secure in their homes and free from unreasonable search and seizure and from arbitrary punishment.

We must not be deluded by the efforts of the forces of reaction to prostitute the great words of our free tradition and thereby to confuse the struggle. ‘Democracy’, ‘freedom’, ‘human rights’ have come to have a definite meaning to the people of the world which we must not allow any nation to so change that they are made synonymous with suppression and dictatorship.

Three decades later, at a low point of American prestige and influence in the world (not dissimilar to the present moment in some ways), sentiment for withdrawal from the United Nations was mounting, as the United States found itself increasingly outmaneuvered in the United Nations.

The late Daniel Patrick Moynihan – before he became our Ambassador to the United Nations and before he commenced his illustrious career in the United States Senate – told us what to do when a democratic nation comes to be isolated in the world body. Writing in *Commentary* magazine, in March of 1975, in an article entitled “The United States in Opposition,” he declared –

This is our circumstance. We are a minority. We are out-voted. This is neither an unprecedented nor an intolerable situation. The question is what do we make of it. So far we have made little—nothing—of what is in fact an opportunity. We go about dazed that the world has changed. We toy with the idea of stopping it and getting off.

He told us then, and soon thereafter he showed us how, to take the United Nations seriously and to use our voice to tell the truth and to seek to persuade others to join ranks with us. During the three decades since, there has been a growing consensus

among democratic states that protecting human rights is a vital shared interest of humanity – and that it is possible to band together and to do something about it. There are more democratic states in the world today than there were in 1975 – a lot more. So we should be confident and purposeful in mobilizing the democratic faction and enlarging it.

Yet there has been hesitation and confusion about whether to mount a serious diplomatic campaign. This hesitation is misplaced. Democratic governments have an obligation to speak up for those who are being silenced, jailed, and in some cases murdered by their own governments. Current conditions may demand new strategies, but on the universal value of freedom, there should be no second thoughts, no apologies and no hesitation.

The U.S. cannot afford to ignore – nor to lose – the debate on freedom that is currently occurring in the UN Human Rights Council and other international bodies. We need to take it seriously and be more strategic in combating the trend.

The United States must lead the way in revitalizing the international democratic faction. It will not be easy or quickly done. But the makings of a working majority are there – in the Human Rights Council, in the UNGA and in unlikely venues like the African Union.

So it is my suggestion that the U.S. – that is, the Obama Administration – ought to see its international diplomacy, and the character of its engagement in multi-lateral institutions, as a vital aspect of its democracy promotion policies. One hopes that Hillary Clinton and Susan Rice – and our ambassadors to OSCE and OAS, who have yet to be named – will agree and will see them as intertwined missions.

Eleanor Roosevelt set a high bar for spouses of former presidents embarking on diplomatic careers. Today, on December 10, on this 60th anniversary, we can only hope that her commitment and her effectiveness in defending the democratic ideas reflected in the Universal Declaration of Human Rights will be matched, if not surmounted, by the incoming secretary of state and her diplomatic team.

Thank you.