

# For a Universal Declaration of Democracy

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## A. Rationale

### I. Democracy Disregarded

1. The Charter of the UN, which was adopted on behalf of the “Peoples of the United Nations”, reaffirms the “faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small.” However, the term — democracy — is not used by any of its provisions. The democratic nature of the government is not the main requirement for a State to become eligible to join the United Nations; nor is the violation of democratic principles — and, first of all, the violation of human rights — a reason for a State to be excluded from the United Nations. It is only in the preamble of UNESCO’s Constitution that the “democratic principles” are mentioned.
2. It’s undeniable that the East-West confrontation from 1940 to 1980 is to be regarded as the explanation of the United Nations conception of democracy. Since there were basic discrepancies about the meaning of democracy (“popular” democracy versus “real” democracy), it was only considered as another supplementary argument to be used in the conflicts between them, instead of being the stand-base for national and international peace.
3. At the end of the Second World War, the disagreement over the meaning of democracy had not yet — or at least not immediately — been extended to the other essential feature that makes a human life worth living: the human rights, as evidenced by the fact that the Universal Declaration of Human Rights was endorsed in 1948. And even if, the Universal Declaration of Human Rights only mentions democracy once in Article 29.2, article 21 proclaims that “*everyone has the right to take part in the government of his country, directly or through freely chosen representatives*”. This provision allows for limitations to be applied to human rights based mainly, but not solely, on the requirements “of morality, public order and the general welfare in a democratic society”. It is, therefore, with regards to the requirements of democracy that the limitations to human rights should be appraised. Democracy, which is a regime of freedom, thus becomes the tool to evaluate eventual limitations to human rights.
4. While there is a Universal Declaration of Human Rights, further developed by a series of Agreements, Treaties and Declarations, there is nothing equivalent for democracy. Shouldn’t the work that was undertaken in 1948 be completed with a Universal Declaration of Democracy?

### II. The Return of Democracy

5. During the Cold War, democracy took shelter in the regional organizations (the European Council, the Organization of American States and, some time later, the European Union) and it was not until the fall of Berlin Wall that democracy could find again a place within the frame of international relations. Since 1989 democracy has continuously been dealt with in every work undertaken by international organizations: United Nations has devoted a series of meetings targeted to “new democracies”, many of which have drafted Declarations regarding democracy. African Nations have also drawn up their own projects, of which the African Charter on Democratic Elections and Governance of the African Union must be emphasized.
6. The project known as “Declaration of the European Council on True Democracy” is perhaps the most comprehensive, although it could not be adopted due to the opposition of one sole Member State. The Universal Declaration on Democracy of 16 September 1997, adopted by the Inter-Parliamentary Union, is also worthwhile mentioning because of the plurality of opinions it represents and the innovative concepts it includes.
7. Several UNESCO instruments should also be taken into consideration, and especially those devised by the International Labour Organization. The French and North American Declarations issued during the last decades of the XVIII century are naturally worth mentioning, as well as the instruments (Declarations and Conventions) developed by the Organization of American States. All these tools have been taken into account when drafting the project of the Universal Declaration of Democracy.

### III. Democracy and Peace

8. Initially peace was regarded solely as the absence of war between States or within one particular State. This somewhat negative peace was gradually replaced by a “positive peace”: the latter concept was meant to go further beyond a simple armed peace, and included all the requirements relating to security, mutual understanding, tolerance and economic and social development. Very soon it became clear that this positive peace was based on human freedom — and, therefore, on human rights — as well as on a political system of democracy understood in the largest sense of the word: from a political, economic, social, cultural and international standpoint.

Ultimately peace should be at the same time negative and positive, but first of all it should be global, that is, a matter of concern for everybody: all men and women are from now on accountable to their fellow human beings, and even to future generations, for peace in the world. If we all have a duty to strive for peace, we also have the right to benefit from peace. We are thus led to plead, in freedom, for a true human right to peace, as opposed to all sources of power, whether exerted by the State or not; a right that should be expected from all power sources and that will, above all, be attainable only by joining the efforts of all actors in social life: States, individuals, public and private organizations. And yet the system of democracy, based on freedom, is the most adequate mean to ensure national peace and international peace.

9. This yearning for peace, which implies the existence of a democratic regime, makes it necessary for peace, enhanced by democracy, to become a matter of concern for everybody: but before this can be achieved, a true culture of peace has to be established. This was the target of those who, under the auspices of the UNESCO, created the *Foundation for a Culture of Peace*. The project for a Universal Declaration of Democracy that has been developed is a response to this twofold target of humankind: democracy and peace.
10. Because the Universal Declaration of Democracy is intended to actually become the equivalent of the Universal Declaration of Human Rights, both include 30 articles. Article 30 is shared by both declarations: it clearly states that “nothing in this Declaration may be interpreted as implying for any State, group or person the 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”.

## **B. Project for a Universal Declaration of Democracy**

**Whereas** the Law and the international relations have for a long time ignored the political nature of State government, the effective protection of human rights requires at present the existence and free operation of a democratic regime, regarded as the government of the people, for the people, by the people;

**Whereas** despite the fact that international instruments, universal and regional, designed to protect human rights, haven given rise to a body of innumerable and detailed rules based on the Universal Declaration of Human Rights, there is still lacking the indispensable equivalent, that could be found in a Universal Declaration of Democracy, a tool that is urgently needed to reorient on a personal, local and global scale the behavior and governance of human societies;

**Whereas** the drawing up of the aforesaid Declaration should enhance the intrinsic bond between human rights and democracy, based on the effective respect of the political, social, economic, cultural and international rights, at personal and collective, national and world levels;

**Whereas** the World Plan of Action on Education for Human Rights and Democracy (Montréal, 1993) represents an excellent guide, and some of its points have already been incorporated to the text of the World Conference on Human Rights (Vienna, 1993) ;

**Whereas** as established in the Resolution A/67/L25 of the General Assembly of United Nations, of 21<sup>st</sup> November 2012, on Education for Democracy, democracy is a universal value 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;

**Whereas** it is acknowledged that the democratic regime constitutes the best guarantee for the promotion and implementation of Human Rights;

**Whereas** all democratic governance has values and actions worldwide shared, while there is no single model of democracy belonging to any country or region;

**Whereas** the systemic and ethical crisis that Humanity is suffering can only be solved by a democratic spirit and behavior at all levels, in such a way that the reins of their destiny can be placed in the hands of “the peoples”;

**Whereas** the times of a bloodstained history based on male absolute power are over, and that the human kind, “freed from fear” and able to invent its future, will begin, with the transition from force to word, a new era;

**Whereas** a Universal Declaration of Democracy should, therefore, cover at the same time political, economic, social, cultural and international democracy;

**We now, therefore, proclaim** this Universal Declaration of Democracy:

## **I. Fundamental Principles of Democracy**

### ***Article 1***

Democracy is a political, economic, social, cultural and international regime, based on the respect for human being, the supremacy and independence of justice and law, as well as on the possibility for any individual to participate in the life

and development of society, in freedom and peace and in a favourable natural and cultural environment, being always fully conscious of the equal dignity and interdependence of the human beings.

## **II. Political Democracy**

### **Article 2**

Political democracy represents an objective based on values shared by all peoples that make up the international community, regardless of their cultural, social and economic differences. It is, therefore, a fundamental right for all human beings, and it shall be exercised under conditions of freedom, equality and responsibility, ensuring diversity of opinions, beliefs and common interest.

### **Article 3**

**3.1** Since it is based on everybody's right to participate in the administration of public affairs, political democracy implies freedom of meeting and association and the existence of institutions that are representative at all levels and, particularly, of a Parliament representing all constituent parts of society, endowed with real powers and having at its disposal all means required to convey the will of the people, through legislation and control of governmental action.

**3.2** Participative democracy will be fully effective when the ways to allow civil society to express its priorities will exist, in order to adapt the expenditures and investments of the public institutions with the needs and interests of the community.

**3.3** The modality of participation provided by the new technologies of communication and information will contribute without any doubt to widen the capacity of the citizens to freely express themselves, reaffirming in this way a genuine democracy.

**3.4** To ensure the citizens capacity to freely express themselves, it is essential to guaranty a truthful and verifiable information, particularly on government and institutions.

**3.5** The political power must always be attentive to the citizen's voices and views, respecting and warranting the right to disagreement.

**3.6.** The unavoidable respect to diversity of beliefs and convictions of the citizens demands the neutrality of the democratic State in all cases. It should include the guarantee of the right to freedom of thought, conscience, religion and ideology of any person.

### **Article 4**

A very important element to ensure the democratic exercise of political power is the periodic holding of regular and free elections, allowing the people to express their will concerning the composition of the legislative body and other organs of political power within the State.

### **Article 5**

Voting shall take place by universal and equal suffrage and by secret ballot, of women and men without any restriction, under conditions ensuring the possibility of a real choice to the benefit of voters, and allowing their opinions to be taken into account.

### **Article 6**

The presence of election observers and national and international media shall not be considered as interference in the domestic jurisdiction of any State.

### **Article 7**

A democratic society entails a multi-party system that must work in a spirit of tolerance: freedom to create political parties or any other political groups in compliance with the guidelines of international law shall be guaranteed. Parties can only be forbidden in those cases and under those circumstances stipulated by the law. Even if it has been elected democratically, the majority shall not abuse its right to govern by infringing the legitimate rights of minorities, to which end the appropriate regulatory mechanisms should be established. Members of the Parliament and of any other representative organ shall consistently participate in all debates.

### **Article 8**

Political democracy requires the separation of legislative, executive and judicial powers. The role of the legislative power, which represents citizens, consists in drafting and passing laws, voting taxes and exerting control over the executive

power. The executive power shall ensure in particular that law is strictly observed by the security institutions responsible for its correct implementation.

### **Article 9**

The judicial power shall be exercised by independent judges, who shall be impartial and make decisions that are not influenced by the interests of the executive power, the legislative power or any other public authority or private group.

### **Article 10**

**10.1** Political democracy shall ensure that an equal and effective protection is provided to everybody against any kind of discrimination, and that every human being benefits from equal opportunities during her/his life. All provisional measures aimed to correct any kind of discrimination; the amends of the damage caused by it or for achieving the equality attainment among persons, shall not be considered as discriminatory.

**10.2** Any kind of discrimination as well as any humiliation way of imprisonment or freedom privation, including death penalty, is against the fundamental democratic principles which must be fully respected.

## **III. Economic Democracy**

### **Article 11**

**11.1** Democracy shall develop economic systems based on social justice, to which all the other aspects and dimensions of the economic life will be always subordinated, whose aim shall be a free and fair competition as well as the indispensable cooperation, in order to achieve a human and sustainable economic development growth, shared prosperity, the promotion of employment and labour, and a rational use of economic, nutritional, natural and energy resources, with the main objective of ensuring to everybody to have access to the goods and services — particularly health services — necessary for a dignified life.

**11.2** The principles of responsibility in relation to society — transparency, permanence, tax justice — must be always taken into account to avoid the hegemony of profit.

### **Article 12**

The democratic process requires the existence of an economic environment that favours the development of all sectors of society and that is aimed, in particular, at satisfying the essential economic needs of disadvantaged groups, in order to allow them their full integration and participation into democratic life. Public powers must ensure the regulation and redistribution of the benefits of development y means of the appropriate social and fiscal tools, for a equitable system of sharing and to prevent social exclusion.

### **Article 13**

**13.1** Economic democracy requires the acknowledgement of the economic rights of all human beings, amongst others the freedom of all persons and institutions to buy and sell, and the right to propriety, individual and collective, the deprivation of which shall only intervene on the grounds of public interest and under those conditions required by regulations and by the international law.

**13.2** At the same time and with equal emphasis, requires the acknowledgement of the right of everybody to receive from the State the support and minimal income that, in case of need, will allow the full exercise of the fundamental Human Rights.

### **Article 14**

Freedom of industry and commerce is crucial to democracy, whether national or international: all persons shall be free, except on grounds of general interest, to develop any business or to exercise any profession, art or craft they shall deem adequate. Freedom of commerce will be regulated by national and international institutions in order to promote the development of a real democracy, able to create goods and services with permanent respect of the environment and the rights of the succeeding generations.

### **Article 15**

Freedom of contract, which is the basis of life in society, is particularly relevant for economic democracy because it allows society to freely operate within the national and international frame, provided that the general interest and the requirements of the democratic process are observed.

**Article 16**

Freedom to undertake, which is today regarded as an indispensable driving force behind economic and social development and, thus, behind economic democracy, is the result of freedom for all persons to exercise their rights, without hindering the rights of others, whose limits can only be established by national regulations and the international law.

**Article 17**

Freedom to invest is an important factor of the economic development of a country; without it the economic rights could not be fully exerted because individual initiatives would lack the guarantees and protection that should always be granted to Human Rights, this being the fundamental condition for the existence of a democratic regime in any Nation.

**IV. Social Democracy****Article 18**

Democracy comprises an essential social dimension, in accordance with the conditions established in article 25 of the Universal Declaration of Human Rights: the non-observance of fundamental social rights threatens equal dignity and opportunities for all human beings, which is the basis for Democracy.

**Article 19**

Trade union freedom shall allow workers to actively and without obstacles defend their own interests. It shall enable them to participate, on an equal footing, to free discussions with the representatives of employers and governments, which will lead to democratic decisions aimed at promoting the general good and ensure acceptable labour conditions.

**Article 20**

**20.1** Social democracy requires that all citizens contribute, through taxes established to this end, to solidarity and to the fair distribution of resources of all kinds.

**20.2** Rigorous measures shall be taken to eradicate inequalities, extreme poverty and economic, social and cultural exclusion, as well as any marginalization, in particular by providing people in need with means to become aware of their own rights and to make themselves heard; a series of adequate services will also be made available for them, including an appropriate training aimed at reinforcing their capacities.

**V. Democratic culture and Cultural Democracy****Article 21**

**21.1** To achieve a sustainable democracy, it is essential to understand it as culture, as a daily behaviour rooted at all levels: personal, institutional and collective.

**21.2** It is also necessary a democratic culture constantly nurtured and enriched by education, freedom of expression without restrictions and dissemination of different cultural means, as well as by access to plural information.

**21.3** A democratic society has, therefore, the duty to promote education in its broadest sense of the word: to build free and responsible human beings, able of acting upon their own reflections. Learning to be, to know, to do, to undertake and live together in a process that includes, in particular, philosophical and artistic education, to ensure the full exercise of thought and creativity, the distinctive faculties of the human being, as well as civic education and responsible citizenship training with the perspective of education for all throughout life.

**Article 22**

Cultural democracy is a dynamic process that includes all segments of social life. It also concerns the relationships within the systems of values established by different cultures and the relationships among them. It implies an approach including the imperatives and objectives of culture. Inseparable of the democratic regime, it is a condition of its development and sustainability. Cultural democracy plays a decisive role to overcome the domination by cultural values that are globally imposed.

**Article 23**

When fulfilling the functions it must exercise within the field of education and knowledge, the State shall not hinder the right of parents to choose, in addition to the public general education curricula, the teachings provided to their children in accordance with their religious, philosophical and ideological beliefs.

**Article 24**

**24.1** Democracy implies the possibility for everybody, without discrimination, to participate in, to access to and benefit from cultural life, information and social communication. All cultural communities, including those placed in a disadvantageous situation because of their small size or because they have a cultural ethnic, religious or any kind of specificity, shall be entitled to develop their own cultural policy, provided that it does not infringe any human right or the rights of other communities. Due to their prolific variety, their diversity and the mutual influence they have on each other, all cultures are part of the common heritage of humankind.

**24.2** An important aim of cultural democracy is to associate identities very different among them but all belonging to the same world community, that implies equal rights for all without any discrimination.

**VI. International Democracy****Article 25**

**25.1** Democracy shall be regarded as an international principle to be observed by international organizations and States in their international relations. International democracy does not only imply an equal and equitable representation for all States, it also covers the social, economic and cultural rights and duties of States.

**25.2** At the scale of the United Nations whose Charter calls for action to be taken by “We, the peoples of the United Nations”, it is needed that, with the appropriate structures, they are directly represented and, all together with the representatives of the Governments of Member States, can always take into consideration the concerns of representatives of other organizations of civil society, voiced through different ways, as associations, professional entities, public and private groups, social networks, including and in particular those national and regional elected representatives.

**Article 26**

**26.1** International democracy implies that it is incumbent on States to ensure that their behaviour complies with international law; that they shall not resort to threat or the use of force against the territorial integrity or political independence of any State; and, finally, that they shall strive to settle their disputes by peaceful means, in agreement with the international law, taking advantage of the international jurisdiction, and, in particular, of the International Court of Justice.

**26.2** High level legal institutions, to which all human, technical and financial resources needed for their most effective action will be provided, in order to ensure that, in all contexts and scales the principles of the Universal Declaration of Human Rights and this Declaration are fully observed.

**Article 27**

Democracy shall play an increasingly important role in conducting regional and international affairs. To that end, the international community, integrated in the United Nations as expression of democratic multilateralism, shall support States in the transition to democracy. It shall also have to show solidarity towards people that are oppressed or live under conditions that are detrimental to their human development.

**Article 28**

**28.1** All persons have the right to the establishment of an international and social order in which the rights and freedoms proclaimed in the Universal Declaration of Human Rights and in the present Declaration will become fully effective.

**28.2** No State shall be entitled to make appeal to the principle of non-intervention of the United Nations in domestic affairs when faced to denunciation of Human Rights violations.

**VII. Duties towards Democracy****Article 29**

All human beings have the duty to respect and defend democracy and peace in their various fields of operation: political, economic, social, cultural and international. They shall in no circumstances exercise or defend their rights in ways contrary to the aims and principles of United Nations.

**Article 30**

Nothing in this Declaration may be interpreted as implying for any State, group or person the 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.