

Check against delivery



**Statement by Alfred de Zayas
INDEPENDENT EXPERT ON THE PROMOTION OF A
DEMOCRATIC AND EQUITABLE INTERNATIONAL
ORDER**

67th session of the General Assembly
Third Committee
Item 69 (b,c)

2 November 2012
New York



Mr. President,
Distinguished Delegates and Representatives,
Ladies and Gentlemen,

I would like to thank the Third Committee for this opportunity to present my first report to this Assembly on a new mandate that entails a generous synthesis of civil, political, economic, social and cultural rights.

Human Rights Council Resolution 18/6 of 27 September 2011 created a mandate inspired by GA Resolution 65/223, which reflects a grand design that to some may appear overbroad or abstract, but certainly the intention is to arrive at pragmatic results. I intend to deliver on this expectation.

Today more than ever we must reaffirm that human rights are not luxuries we enjoy in times of prosperity and abundance, but inalienable entitlements which should be exercised everywhere by all members of the human family.

The Charter of the United Nations, which is the Constitution of the modern world, commits governments and civil society to an agenda of peace, development and human rights. This work in progress is advanced by the General Assembly, the Human Rights Council, its special procedures, the human rights treaty bodies and a multitude of other players. Norms, monitoring mechanisms and actual enforcement on the ground demonstrate that progress has been achieved in implementing our pledge to human dignity.

Because the current international order is not very democratic and certainly not equitable, the General Assembly has adopted pertinent resolutions aimed at progressively moving toward a more representative world order in which peoples would have greater opportunity to participate in decision-making at the local, national, regional and international levels, where the natural resources of the planet and international trade would be shared in a more equitable manner. In September 2011 seventeen States in the Council sponsored the resolution establishing my mandate effective May 2012. On 12 September 2012 I presented a preliminary report to the Council, which was well received by States and civil society. Thereupon thirty States sponsored Council resolution 21/9, adopted on 27 September 2012, tasking me with the elaboration of an in-depth report on the issue of equitable and effective participation, on which I am already working through consultation with States from all regions of the world, inter-governmental organizations and civil society. I have forwarded questionnaires to stakeholders and am cross-fertilizing with think tanks and universities. I am encouraged by the extensive and substantive responses already received.

The mandate requires me to identify obstacles to the realization of an international order that should be more democratic and more equitable, and to formulate concrete recommendations. This entails building on the work already done and being conducted by other human rights mechanisms and institutions, but it also requires taking distance and **thinking outside the box**.

From the Social Forum held in Geneva on 1-3 October 2012 I have drawn valuable insights, particularly from presentations of the Independent Expert on International Solidarity Virginia Dandan and inter-governmental think tanks like the South Centre. In his 2005 report "In Larger Freedom" Kofi Annan demonstrated leadership in proposing structural reforms to the United Nations, including the composition of the Security Council, so as to make it more representative. I endorse those proposals. Among generic obstacles I should mention the tendency of some States to apply international law *à la carte* and the non-respect of international treaties.

Many observers have acknowledged the undemocratic operation of financial and commodity markets and the necessity to impose greater national and international controls, including reforms of the Bretton Woods institutions and proactive World Trade Organization measures for equitable trade. I am devoting considerable thought to this. I am also exploring proposals for a World Parliamentary Assembly in order to enhance the participation of civil society within international institutions. I am similarly studying the implications of the Declaration on Democracy issued in 1997 by the Inter-Parliamentary Union and the new Declaration on Democracy recently presented by Federico Mayor Zaragoza and Karel Vasak to the Council of Europe.

With regard to a more equitable world order, it is clear that the financial crisis is also a moral crisis. Financial and commodity markets are not casinos and must be better controlled. While some postulate the panacea of privatization as a solution to the crisis, it remains to be empirically shown that privatization advances the economy without harming human beings. Privatization of essential social services may well entail regression in human rights terms and result in violations of the International Covenant on Economic, Social and Cultural Rights

Everyone agrees that national budgets should be balanced. But the solution is not "austerity measures" in the social field, which invariably result in unemployment and misery. There should be austerity with regard to military expenditures. It is a question of setting priorities. In this context, I issued a press release deploring the non-adoption of the Arms Trade Treaty last July.¹

Moreover, States must engage in serious disarmament negotiations and recycle resources away from the military-industrial complex and into education, health care and social services. World public opinion should be measured more objectively, and the rejection by civil society of war must be heard. Let us remember that peace is a condition for the realization of a more democratic and equitable world order, which requires putting an end to propaganda for war and sabre-rattling, which constitute violations of article 2(4) of the UN Charter and article 20 of the International Covenant on Civil and Political Rights.

Among efforts made at the international level I should highlight the creation by the Human Rights Council of an inter-governmental working group tasked with the drafting of a Declaration on the Human Right to Peace, to be submitted to the General Assembly for adoption. This declaration shall build on the draft prepared by the Advisory Committee, which focuses on both the collective and individual dimensions of the right. Other good practices include the Universal Periodic Review, which holds considerable potential, especially if States recognize that it is in their own interest to implement all the

¹ <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=12397&LangID=E>

recommendations of the Council, and not just a few, and if non-governmental organizations are given a greater voice in the process.

Allow me to propose a change in our thinking models that may help in advancing our agenda. Let us abandon the obsolete division of rights into artificial categories of first, second and third generation rights – with their intrinsic prejudices. Let us instead think of a functional paradigm of **enabling rights** (such as the rights to peace, food, health and homeland), **inherent rights** (such as equality and non-discrimination), **instrumental rights** (such as due process and freedom of expression) and what I would call **outcome rights**, that is, the daily exercise of human dignity in the form of the right to our identity, to achieve our potential and to be just who we are, free to enjoy our own culture and opinions.

It is my intention to demonstrate the added value of this mandate and to convince the doubters that it has the potential of serving as a bridge between North-South, East-West. Indeed, as the International Labour Organization motto states: if we want peace, we must cultivate justice. *Si vis pacem, cole justitiam.*

Thank you for your attention and I look forward to a fruitful exchange of views.