

June 28, 2005

OPEN LETTER TO PERMANENT REPRESENTATIVES OF THE CONVENING GROUP OF THE UN DEMOCRACY CAUCUS

Cc: UN Secretary General Kofi Annan
UN General Assembly President Ambassador Jean Ping
UN High Commissioner for Human Rights Louise Arbour
Permanent Representatives of the Community of Democracies participating states

We write to you as members and supporters of an international coalition that supports the work of the United Nations Democracy Caucus. We appreciate the dialogue with non-governmental organizations that has become an integral part of the practice of the Caucus under the leadership of Chile. We welcome, as well, the commitment of the Convening Group of the Caucus to support further exchange of views with non-governmental organizations and experts. We appreciate the commitment of the Government of Mali, as incoming chair of the Community of Democracies Convening Group, to cooperate with interested NGOs in that effort. We are pleased by the Santiago Ministerial Commitment of April 30, 2005 to reinforce the obligation of the Caucus to “meet on a regular basis with Non Governmental Organizations that have been active in advocating the promotion of democracy at the UN....”

This is a crucial juncture in the history of the United Nations. Bold and important proposals to strengthen UN mechanisms are being debated, in significant measure inspired by the Secretary-General’s report, *In Larger Freedom*. Of the many positive reform measures proposed in that report, and endorsed in the Draft Outcome Document prepared by UNGA President Ping, we firmly support the essential principle at their core: “that our nations and peoples will not enjoy development without security, nor would they enjoy security in the absence of development, and they would not enjoy either without respect for human rights.”

The General Assembly must now act on this principle by strengthening the capacity of the UN to work more effectively to promote democratic development and human rights as the third fundamental pillar of the world body’s mission.

Given the unique opportunity presented by the Summit in September to reform the United Nations, we believe that this is the appropriate time for the UN Democracy Caucus to play a far more visible leadership role as decisions for reforming the human rights and democracy mechanisms of the UN are taken.

In recent years, it has become increasingly evident that the UN’s mechanisms in the area of human rights have not worked effectively and have frequently been discredited through the election and behavior of key rights violators on the UN Human Rights Commission. As demonstrated by the attached scorecard of voting patterns at the Commission’s last session in Geneva, member states with the worst human rights records

routinely attempt to block even modest steps by the Commission to be an effective voice in defense of the defenseless, thereby preventing action in numerous cases where massive and systematic rights abuses occur. As Secretary-General Annan put it in his report, *In Larger Freedom*: “the Commission’s capacity to perform its tasks has been increasingly undermined by its declining credibility and professionalism... [A] credibility deficit has developed, which casts a shadow on the reputation of the United Nations system as a whole.”

We strongly support the proposal endorsed in the Draft Outcome Document to replace the Commission on Human Rights with a standing Human Rights Council, whose membership would be elected by a two-thirds majority of the General Assembly. We believe it is critical for the UN General Assembly to agree in September to elevate the Human Rights Council to the level of “a main Charter body reflecting the centrality of human rights in the UN system.” We strongly urge that the members of the Democracy Caucus endorse such an elevation of the new Human Rights Council. We also urge the Convening Group and the Caucus to consider supporting the creation of a Council with a smaller membership, while at the same time preserving regional diversity. A numerically smaller Council elected by the General Assembly would improve the chances for more efficient and effective action while maintaining representative legitimacy.

We are disappointed that the Draft Outcome Document eschews mention of the composition of the future Human Rights Council, in particular the importance of electing members who, in the words of the Secretary General, “abide by the highest human rights standards.”

We urge your governments to support the agreement reached at the Community of Democracies Ministerial meeting last April to “[g]ive serious consideration to the candidacy of countries contributing effectively to the promotion and protection of democracy and human rights worldwide in bodies which focus on elements of democratic governance.” In accordance with this declaration, we urge you to adopt as a public commitment of the Democracy Caucus the principle of supporting and encouraging the candidacy of member states to the Human Rights Council that cooperate with UN Human Rights bodies, including Special Procedures, and have a good record of respect for fundamental human rights standards. Such a position would accord with Secretary-General Annan’s recent declarations that “membership is not a right, it is a privilege.” In order for the Human Rights Council to be an effective body, such principles should be considered as a requisite for membership.

We want to call your attention to additional areas in which the UN Democracy Caucus can play an important leadership role at a time when there are crucial decisions before the UN General Assembly.

We call upon the Democracy Caucus to support the principle that the new Human Rights Council work as a standing body that has as its main focus urgent and major human rights violations by specific states. At the same time, we feel it is appropriate that all members of the Council be subject to a peer review process.

We urge that the Democracy Caucus also support a transparent electoral process for the Human Rights Council, with a public list of declared candidates, open voting and sufficient time to permit for ample consideration of the qualifications of proposed candidates. As part of this process of transparency, we call on the Caucus to support a factual report on candidates for Council positions that would provide their records on ratification of basic rights treaties, cooperation with the work of UN Special Procedures and rights monitoring bodies, and their submission of reports in compliance with UN rights treaties and documents. Such a factual report could be undertaken by the Office of the High Commissioner for Human Rights.

We urge the Democracy Caucus to publicly reinforce the Draft Outcome Document's endorsement of the UN Democracy Fund, and to support and undertake consultations that would expand the donor base of the fund among Caucus member states, particularly those that have reached high levels of prosperity.

We are concerned that the language related to democracy in the Draft Outcome Document is very weak. It speaks only of democracy as a value "implying the will of the peoples to express and decide freely their own political system." We would prefer to see an express reaffirmation of Article 21 of the Universal Declaration of Human Rights, which in part states: "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." Moreover, the resolution should reaffirm the general principles of democracy contained in UN General Assembly Resolution on Promoting and Consolidating Democracy (A/55/96) and the ministerial declarations of the Community of Democracies. These principles include full respect for such rights as multi-party and multi-candidate elections, freedom of expression and association, freedom of the press, an independent judiciary, an accountable legislature, and promotion of tolerance and pluralism. We therefore urge the Caucus to play a role in the further elaboration of language related to these fundamental dimensions of democracy for their inclusion in the final text.

We strongly urge that the Caucus support the recommendation of the High Commissioner for Human Rights that the budget of the Office be doubled over the next five years and urge you to insist that the commitment to do so be included in the final Summit document. We also ask that the Caucus publicly support the Commissioner's focus on democracy deficits as one of her office's six priority areas of attention.

We are encouraged that, in the last year, there were frequent consultations and meetings of the UN Democracy Caucus Convening Group and that the Democracy Caucus convened both at the 2004 General Assembly and in Geneva during the 61st Session of the UN Commission on Human Rights. We urge you to ensure that meetings of the Convening Group and the Caucus occur in the coming weeks, and ask that the full Caucus meet at the ministerial level during the UN General Assembly this September.

In conclusion, the draft recommendation to the General Assembly to transform the largely ineffective Commission on Human Rights into the Human Rights Council is a welcome and important development. However, this proposed reform will have little meaning unless the current system is replaced by one that is led by States willing to enforce respect for human rights where they are blatantly violated. This requires limiting its membership to the States that have pledged to respect human rights. It is essential, therefore, that democracies support each other for election to the Human Rights Council and vote against the candidacy of those countries with a record of massive rights violations or which are unwilling to accept monitoring missions authorized by the Council.

We urge that you take these suggestions into account and request that you designate an appropriate time as soon as possible for a meeting to discuss with us in greater detail the concerns and suggestions contained herein. We are eager to explore ways we can continue to work together to strengthen the UN and the Democracy Caucus in the months ahead.

Sincerely,

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