At the Heart of a Planetary Democracy:
The Democracy Caucus in the United Nations[*]

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Summary. This article refers to the birth of a Democracy Caucus within the United Nations. The development of such initiative is examined, as a positive result of global political action. Nevertheless, activities of the Democracy Caucus in the United Nations are far from overcoming the problems related to issues as its legitimacy, its leadership, and coherence within the UN system. According to this article, all the countries in the United Nations would have to be interested in participating in the Democracy Caucus, because the democratic values are becoming a global reality.

Resumen. Este artículo refiere al nacimiento de un Caucus de la Democracia dentro de los Naciones Unidas. El desarrollo de tal iniciativa se examina, como resultado positivo de la acción política global. Sin embargo, las actividades del Caucus de la democracia en los Naciones Unidas están lejos de superar los problemas relacionados con asuntos tales como su legitimidad, sus líderes, y la coherencia dentro del sistema de la O.N.U. Según el artículo, todo país en las Naciones Unidas debería estar interesado en participar del Caucus de la democracia, porque los valores democráticos se están convirtiendo en una realidad global.

A *Democracy Caucus* in the United Nations

"Let us strive to place the United Nations at the heart of this planetary democracy so vital in our day and age." Those were the closing words of Jacques Chirac's speech to the opening meeting of the 58th session of the United Nations General Assembly. In the name of the People, Chirac said, the United Nations must be revitalized with a multilateral democratic spirit, to advance the ideals of the rule of law, social justice, environmental responsibility, pluralism, diversity, and respect for human dignity.[1] His words could be taken merely as enthusiastic rhetoric answering the question of the title of Sophia Mappa's book *Planetary Democracy: a Western Dream.* Yet, in recent years, similar expressions have become common in many settings. The *Planetary Movement Limited*, a nonprofit organization, wants to globalize democracy to establish justice and human rights as "the only measure of social progress in our planet."[2] Also,

Planetwork Journal, Source Code for Global Citizenship, devotes an issue to "Openness, Democracy, and Interactivity,"[3] addressing how new technologies could have practical application for strengthening democracy and participation in global scale. Similarly, the *World Movement for Democracy*, a nongovernmental effort started by the Washington, D.C.-based *National Endowment for Democracy*, has the goal of promoting democracy globally.[4] Even teaching projects in civics and citizenship education such as *One World, Many Democracies: Citizens of the World* share the longing for a planetary democracy.[5] Thus, Chirac's reference to a planetary democracy is familiar among several diverse circles. In addition, if we consider that by the end of the 20th century 120 of 192 countries, comprising 62.5 percent of the world's population, were considered democracies,[6] then Chirac's words of a planetary democracy are more than merely enthusiastic rhetoric; but rather a description of the global spirit of the cultural and political movements promoting, adopting, and urging for democracy. More precisely, Chirac's words are concerned with the relevance of the United Nations in the movement for global democratic governance that is well on its way. The challenge is if it is possible to put the United Nations at the heart of that emerging planetary democracy.

The relevance of the United Nations will depend partly on the democratic legitimacy of the governments represented in it as well as on the democratic legitimacy of the decisions made in the United Nations. Mindful of this challenge, the largest gathering of democracies in the United Nations, a meeting of foreign ministers of the Community of Democracies, was held on September 22, 2004 under the leadership of the Chair of the Convening Group, Chile´s, then foreign minister, María Soledad Alvear. That meeting marked the de facto establishment of a United Nations *Democracy Caucus*.[7] The concluding press communiqué reaffirmed the member-states commitment for promoting the work of the United Nations *Democracy Caucus* and the creation of Democracy Caucuses in other multilateral fora.[8]

In the United Nations, a *Democracy Caucus* would be the regular gathering of like-minded representatives to promote democratic policies. It would not be the first caucus working at the United Nations, however. A *Spiritual Caucus* already gathers at the United Nations to strengthen the United Nation's endeavors.[9] In addition, a *Values Caucus* gathers to raise awareness about values that should foster a dialog that recognizes and transcends differences across nations and therefore strengthening the United Nations goals.[10] Perhaps the absence until recently of a *Democracy Caucus* in the United Nations is only natural. Democracy has been understood as a form of government that is historically determined within a particular set of sociopolitical circumstances. In addition, the United Nations itself was founded in the aftermath of the Second World War

against a totalitarian ideology: the Nazi-fascism. To win this war, alliances with other types of totalitarian ideologies were necessary. In other words, being a democracy was never a condition for United Nations membership. It was in fact necessary to include non democratic members with veto powers in the Security Council. In addition, it is likely that China and the former Soviet Union would have seen a *Democracy Caucus* as a tool for pursuing the interest of particular countries, mainly of the United States. That would have been damaging to the early goals and purposes of the United Nations.

We have come, however, a long way from these times. This evolution can be seen in the strong contrast between the exchanges in 1956 when Nikita Khrushchev, banging his shoe on his desk at the United Nations, shouted to the US representative, "We will bury you" to the moment in 2005 when Vladimir Putin, said to George W. Bush: "We're going to remain committed to the fundamental principles of democracy." Putin admits democratic governance as a universal standard: "We are not going to make up, to invent any kind of special Russian democracy ...In the operation of major democratic institutions, there may be some differences, but the main fundamental principles are going to be implemented in the form in which they have been developed by the modern civilized society."[11] Even for China, it is now of great concern to develop a more open society within the parameters of Chinese history, culture and current political circumstances.[12] In addition, many see non democratic governments such as that of Saudi Arabia to be the sort of regime that will be out of "business ten years from now."[13] Thus, from the vantage point of the end of the 20th century, the issue is not whether democracy is desirable, but rather how to move toward democracy and what democracy to adopt.

Precondition for a *Democracy Caucus* in the United Nations

The proposal of a *Democracy Caucus* at the United Nations seems reasonable now because a radical shift in the second part of the 20th century took place in how the international community considered the form of government. The form of government ceased to be a purely domestic affair. The core of the United Nations recognizes sovereign equality and nonintervention in the internal affairs of its members. It has been axiomatic that the international system works if it leaves to each state its domestic affairs as they please. States were not to impose how other states should be organized internally. Therefore, any effort to organize a *Democracy Caucus* at the United Nations would be suspicious of altering this central tenet of the United Nations Charter. Nevertheless, major changes in the second part of the XX century -such as the triumph of the human rights discourse across cultures, the awareness of interdependence, and

the urgency of cooperation to confront global security threats- lead to a growing consensus about that international law cannot be indifferent on how states are organized.[14] From the competing forms of governments, democracy emerged as the most suitable for observing international standards necessary for a lasting peace. Democracy is loosening its identification with a particular country, cultural area or set of socioeconomic circumstances, and is being acknowledged as a common standard for how societies should be organized to fulfill their international duties efficiently. It is not that history ended when the Berlin Wall fell; it is that a new common standard among nations arose.

This common standard finds its basis in two sources, one empirical, and another normative. Empirical research began to find a strong correlation between democracy and a peace-oriented foreign policy. Democratic governments are less prone to war.[15] They allow forming internal habits based on the discursive resolution of conflicts and acknowledgment of procedural legitimacy of decisions that transfer to how foreign policy is carried out.[16] This is especially true when decisions have to do with the accountability of the use of force.[17] Certainly, the correlation between democracy and peace is still debatable;[18] but this research stream has made great progress to the point that a democratic index is being developed and refined to determine how much democracy there is in a society.[19]

The normative foundation supporting democracy as a common standard will come from international lawyers. Thomas M. Franck, a leading and earlier proponent of the right to democratic governance, argued that the western model of governmental legitimacy, namely, the derivation of just powers from the consent of the governed, is becoming universal.[20] Thus, as a global entitlement, it "will be promoted and protected by collective international processes."[21] According to Franck, international standards and systematic monitoring validate national governance.[22] Democratic entitlement acquires its normative force *through its linkage to human rights*, which are mandated restraints on governments,[23] and to peremptory norms of global peace. Thus, he concludes, "it is no longer possible to argue that the U.N. is barred from exerting pressure against governments which oppress their own peoples by egregious racism, denials of self-determination, or suppression of freedom of expression."[24] Thus, the empirical findings of a possible correlation between democracy and peace, and the normative formulation linking democracy with the observance of human rights and peace are the main basis for considering democracy as a necessary common standard among states. They are redefining the relationship between international and domestic spheres.

Precipitants and trigger of the *Democracy Caucus* in the United Nations

The recent establishment of a *Democracy Caucus* in the United Nations has been the result of a lengthy process that remains uncertain.[25] In general, the end of the Cold War and the resulting withering of the Non-Aligned Movement left the door open for the birth of initiatives such as a *Democracy Caucus*.[26] Yet, the specific precipitants were a series of interlinked international meetings that coordinated the efforts for promoting and protecting democracy by both state and non-state actors, strengthening the international instruments on the right to democracy. In fact, three major international fora has been created to make easy international cooperation for protecting and promoting democracy: The United Nations-sponsored International Conferences of New or Restored Democracies;[27] the international civil society meeting known as the Assemblies of the World Movement for Democracy;[28] and the Ministerial Conferences of the Community of Democracies.[29]

Specifically, in the United Nations, the acknowledgment of a right to democracy can be traced to the Vienna Declaration and Program of Action adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23), which recommended that priority be given to national and international action to promote democracy, development and human rights. Nevertheless, no significant advance took place for six years until April 27, 1999 when in a historic decision the first-ever United Nations' resolution on the Right to Democracy, Resolution 1999/57, was approved at the 55th session of the United Nations Human Rights Commission. Fifty-one of the fifty-three members of the Commission supported this landmark resolution, put forward by Romania. Only Cuba and China abstained. Since then, this historical resolution became a litmus test to certify what is the position of any given country about the international movement towards global democracy.

Successive resolutions approved at the meetings of the Commission have developed further the goal of promoting democracy, albeit with a less overwhelming majority. The Resolution 2000/47 of 25 April 2000 on "Promoting and Consolidating Democracy," was approved on the 62nd meeting of the 56th session of the Commission by 45 votes to none with eight abstentions. The Resolution 2001/41 of April 23, 2001 on "[The] Continuing Dialogue on the Measures to Promote and Consolidate Democracy" approved on the 72nd meeting of the 57th session of the Commission by 44 to none with nine abstentions. The Resolution 2002/46 of April 23, 2002 on "Further Measures to Promote and Consolidate Democracy" approved on the 51st meeting of the 58th session of the Commission by 43 votes to none with nine abstentions. The Resolution 2003/36 of April 23, 2003 on "[The] Interdependence Between Democracy and

Human Rights" approved on the 57th meeting of the 59th session of the Commission by 36 votes to none and 17 abstentions. Finally, the Resolution 2004/42 of April 19, 2004 on "Enhancing the Role of Regional, Sub-regional and Other Organizations and Arrangements in Promoting and Consolidating Democracy" approved on the 60th session of the Commission by 45 votes to none with eight abstentions.

Moreover, since 1988, the United Nations General Assembly has been issued yearly resolutions on democratization that reassert committing the United Nations role in promoting democracy based on its Charter and the Declaration of Human Rights and International Covenant on Civil and Political Rights. To cite a few, the General Assembly Resolution 55/96 of 4 December 2000, "Promoting and consolidating democracy," and the General Assembly Resolution 55/43 of 27 November 2000, on providing "Support by the United Nations system of the efforts of Governments to promote and consolidate new or restored democracies." In addition, the United Nations General Assembly has issued resolutions supporting consolidating the Conference of New or Restored Democracies. On 22 December 1994, the 49th session of the General Assembly approved Resolution 49/30 entitled "Support by the United Nations System for the Efforts of Governments to Promote and Consolidate New or Restored Democracies." The gist of this Resolution has since been approved yearly until the 56th session of the General Assembly, and since then biannually, generating periodic reports by the Secretary General on the matter.[30]

Arguably, a key precipitant for the *Democracy Caucus* at the United Nations took place in the Human Rights Commission, when Romania tabled what became resolution 1999/57, on the right to democracy. The yearly passage of this Romanian sponsored resolution became a litmus test to clarify which countries in the Commission were committed to a democracy agenda, and which countries were averse to it. It allowed countries that were advocates for democracy to come together. In the spring of 1999, seven countries -Chile, the Czech Republic, India, Mali, Poland, Portugal, and the United States- convened the first-ever meeting of all governments committed to democracy worldwide with the dual purpose of supporting existing democracies and establishing a mechanism for systematic cooperation among them. From June 10-12 in Warsaw, Poland, 106 United Nations member-states established a core of shared democratic principles and a common agenda to uphold them globally in the form of the Warsaw Declaration of the First Ministerial Conference of the Community of Democracies. In that Conference, they committed to "collaborate on democracy-related issues in existing international and regional institutions, forming coalitions and caucuses to support resolutions and other international activities aimed at promoting democratic governance."[31] Three months later, in

September 2000, the Foreign Ministers of the Community of Democracies Convening Group issued a statement committing them to convening a *Democracy Caucus* at the United Nations.[32] A month later, in October 2000, a gathering of around sixty states belonging to the Community of Democracies took place in the United Nations. Only two months more of coordinated efforts allowed the incipient grouping to approve on December 4, 2000, General Assembly resolutions 55/96 of 4 December 2000, and 55/43 of 27 November 2000, on "Promoting and consolidating democracy."

Important movements of pro-democracy nongovernmental organizations and activists should not be overlooked as contributing to create a *Democracy Caucus*. In an equally significant feat, hundreds of democracy advocates and activists from throughout the globe began to meet regularly, first in the Assembly of the World Democracy Movement, held in New Delhi, India, in 14-17 February 1999, and soon after that in Warsaw at the First Community of Democracies Non-Governmental Forum. Due to the coordination established among these activists on a global scale, the Democracy Coalition Project, Freedom House, and Transnational Radical Party launched a coalition of NGOs: the Campaign for an UN *Democracy Caucus*. Through direct appeals to the Convening Group of the Community of Democracies and other official bodies, as well as outreach to other interested civil society groups, parliamentarians and the media, they sought to create a *Democracy Caucus* at the United Nations. When the Second Ministerial Conference of the Community of Democracies -now led by a nine-member convening group that incorporated Mexico and South Africa-, took place at Seoul in 2002, it echoed the Warsaw Declaration. Also, it responded to the mounting pressure from the international civil society by reiterating in the Seoul Plan of Action that, "In close consultation and cooperation with the Community of Democracies' interested participants, the Convening Group will encourage the formation, among others, of coalitions and caucuses to support democracy."[33]

A year later, at the September 26, 2003 meeting of Foreign Ministers of the Convening Group of the Community of Democracies, they reiterated their commitment to establishing democracy caucuses across multilateral bodies, and specifically within the United Nations at the United Nations General Assembly, the ECOSOC, and the Commission on Human Rights.[34] The same year, for the first time, the Chilean Permanent Representative to the United Nations spoke at the United Nations General Assembly in the name of the Community of Democracy Convening Group. It took another year for member states to meet as a group at the session of the United Nations Commission on Human Rights in Geneva, and for the Chilean Ambassador to speak on behalf of the Community of Democracies Convening Group on resolutions about promoting democracy

and human rights."

Finally, as mentioned above, on September 22 of 2004 a landmark *Democracy Caucus* meeting took place. It was soon followed November 1 by an agreement by its members to support four draft resolutions tabled at the United Nations General Assembly. Namely, those on "Torture and other inhuman or other degrading treatment or punishment" submitted by Denmark; "Promotion and cooperation among religions," submitted by the Philippines; "Enhancing the role of regional and sub regional and other organizations and arrangements in promoting and consolidating democracy," submitted by Romania, United States, Peru and Timor-Leste; and "Improvement of the status of women in the United Nations system," submitted by Australia. The adoption of all four resolutions by the United Nations General Assembly signals the precocious coming-of-age of the *Democracy Caucus*.

The trigger for creating a *Democracy Caucus* at the United Nations (2004) may well be said to have been the crisis of the United Nations. Nevertheless, it also played a crucial role the relative weakness of the adversaries of the idea as well as the hegemony of the nation that now is the main advocate of establishing the caucus, the United States. If the precondition made the Caucus possible and the precipitants made it likely, the triggers made it certain. This growing consensus for a *Democracy Caucus* begs then the question what would be implications of having organized a *Democracy Caucus* within the United Nations. What purpose could they serve in the current international climate?

Visions of the Role of a *Democracy Caucus* in the United Nations

The precipitants and triggers for creating the *Democracy Caucus* in the United Nations were the result of, on the one hand, the democracy advocates and activists of the nascent global civil society, and on the other, the United States and other like-minded countries. While it is true that their visions overlap substantially, they are not identical. Their visions may grow further apart now when the Caucus has become a reality and may be influenced by power politics; while on the other hand the international democratic activists seek to fulfill their vision fully.
Arguably, the most representative sector of the international civil society is the NGO coalition Campaign for a United Nations *Democracy Caucus*, made up of 19 NGOs and scores of individuals.[35] The Campaign maintains the following goals for the *Democracy Caucus* at the United Nations:

• To promote the values of democracy and human rights through the United Nations system;

• To strengthen the governance and accountability of the United Nations on issues of democracy and human rights promoting a democratic consciousness in decision-making on candidacies for key UN bodies;

•To seek status akin to the Organization of the Islamic Conference, la Francophonie, and other like bodies;

•To coordinate actions to strengthen international support for member states in deepening democratic governance;

•To focus on building international consensus on issues related to democracy and human rights at the United Nations and on building consensus among the United Nation's democracies in effectively utilizing the machinery of the United Nations system to assist in promoting democratic governance in states where the United Nations N finds that egregious, systemic violations of human rights have frustrated democratization;

•To promote increased resources for human rights and democracy building initiatives within the UN and within the UN system.[36]

Those goals are not unlike those of the United States and the convening countries of both the Community of Democracies and of the International Conferences of New or Restored Democracies. Nevertheless, the fact remains that with fewer interests at stake the NGO coalition is likely to be more principled in its stance. Already there are certain signs that this might be the case. On September 13, 2004, Coalition members sent a letter to the foreign ministers of the Convening group of the Community of Democracies. It was called on them to organize the United Nations *Democracy Caucus*, and in doing so included the first position that may specifically run counter to US government proposals, namely that there ought to be "transparent procedures related to the governance of the United Nations *Democracy Caucus*, including the selection and composition of its Convening Group."[37] In another letter of March 30, the Coalition members advocated "clearly defined membership criteria for a country to be eligible to join the (Human Rights) Council." In addition, they insisted in membership criteria for "[t]he extension of NGO consultative status with ECOSOC to the Council, ensuring that the participation of NGOs in the work of the UN in this critical area is not restricted or hindered".[38] They also urged members to "support each other when seeking to be elected to the Council and

to support among its members those with the strongest human rights records. It is essential that membership to the Council, as with the *Democracy Caucus* itself, be limited to those countries which meet the criteria for invitation as full participants to the Community of Democracies Ministerial meeting in Santiago, Chile". Another example of things to come took place recently. The Coalition considered that Bahrain, Fiji, Russia, and Venezuela should not participate in the Community of Democracies Conference held in Santiago because they did not meet the criteria for participation adopted in the Community's 2002 meeting in Seoul, Korea, since "only truly democratic states and those demonstrating clear progress on the path to democracy should take part in it."

There is continuity in US foreign policy for promoting democracy that reaches to the founding of the Republic, achieving central importance under Woodrow Wilson (1913-21), Franklin Delano Roosevelt (1933-45) and John F. Kennedy (1961-63).[39] Yet, the current generation of US led international initiatives for democracy can be traced to the attempt by former president James Carter (1976-80) to instill ethics into foreign policy.[40] This was significantly widened in scope by Ronald Reagan (1980-88), who since his Westminster speech of June 1982, took several steps to move the focus of US foreign policy from containing authoritarianism to one on expanding democracy, contributing in shaping democracy promotion into a more tangible institutionalization. This institutionalization of democracy promotion was achieved by establishing the National Endowment for Democracy and establishing or supporting other democracy-related non-governmental organizations, as well as by expanding into democracy promotion the missions of US government agencies such as the US Information Agency, US AID and the Departments of State and Defense. This policy caused to rethink American foreign policy priorities. It included the first stirrings of the idea of establishing structured networks among democratic UN member-states, such as the Community of Democracies and the UN *Democracy Caucus*. If the former received energetic support from then Secretary of State Madeline Albright, the latter was backed enthusiastically both by former Secretary of State Colin Powell and outgoing U.S. ambassador to the UN, John Danforth.

Now, what does the US understand the role of the UN *Democracy Caucus* is? Its position on the issue is plain in the fact sheet EPF506 of September 17, 2004 entitled "US Plans to Promote Democracy Caucus at the United Nations (This is a priority for the 59th UN General Assembly)" by the State Department. It says that the United States

• Will work with other nations based on the idea that reinforcing democratic institutions should be the goal of every U.N. program.

• Will expect U.N. resolutions must better reflect internationally accepted human rights standards and democratic principles. A Democracy Caucus can collaborate in drafting, introducing, and supporting the most vital human rights resolutions. Working together, democracies can help advance rule of law norms internationally and can better establish human rights standards.

• Will work with a Democracy Caucus to ensure that democratic nations are encouraged to become strong and active participants in U.N. programs, such as the United Nations Development Program, and other U.N. bodies such as the Commission on Human Rights, United Nations Educational, Scientific and Cultural Organization (UNESCO), the International Labour Office (ILO), and other U.N. programs that contribute to the rule of law and basic freedoms.[41]

Finally, taken on its face value, it may be claimed that there is a different position that covers the members of the Community of Democracies for it is they who claim, "The intention of the (Warsaw) conference was neither to propagate or export democracy, nor, as (Former Polish Foreign) Minister Geremek put it (…), "to preach democracy to the converted." The idea was to initiate a dialogue among democracies on the fundamental concepts and prerequisites of democratic governance to meet the challenges and threats that confront democratic nations on the threshold of the Twenty-first century."[42] In short, one may argue that there are three distinct, though to some extent overlapping, understandings of the role of the UN *Democracy Caucus*. A principled maximalist position held by the democracy activists of global civil society; the national foreign policy interested position held by the US government; and the independent foreign policy position of other democratic UN member-states.

Regardless of the overlapping beliefs, goals and activities of the three positions, there are certain goals that the *Democracy Caucus* could aim for in the United Nations. A *Democracy Caucus* could promote through informal mechanisms the adoption of democracy by member states and avoid the pitfalls of a formal democratic test in the credential decisions of the United Nations. To be sure, a candidate to the United Nations must be a peace loving state; must accept, and be able and willing to carry out the Charter obligations. For admission and maintenance of membership in the United Nations, it is thinkable that a minimum set of democratic governance characteristics could be required from states.[43] This would be an indicator of their commitment to peace and their ability to carry out their United Nations Charter obligations. In fact, Griffin points out that "[b]etween 1991 and 1999, the United Nations accredited five govern-

ments to participate in the General Assembly as representatives of their respective states, despite those governments' lack of effective territorial control."[44] He thinks the credential decisions on these five cases do not prove that a democratic credential test exists. Yet, they do show that an important consideration was if "the applicant government was democratic and whether the applicant government originally came to power by overthrowing a democratic government."[45] Therefore, membership in the United Nations could be limited to those applicants that represent their people. Certainly, the International Court of Justice stated that the membership conditions are exhaustive in article 4 of the United Nations Charter.[46] Nevertheless, the Court leaves open to argue that a minimal set of democratic governance features "reasonably and in good faith" can be asked from states if they are connected with following the membership conditions set forth in article 4 of the United Nations Charter. A democratic governance test for membership in the United Nations would be in harmony with Charter principles aiming to protect human rights and self-determination.[47]

To require democratic credentials for membership in the United Nations entails risks, however.[48] The continuing success of the United Nations rests in its universal character.[49] A democratic test for membership to the United Nations would create an unnecessary debate about what are the basic traits of democracy in a state necessary to fulfill its obligations under the Charter and if a candidate fulfills those traits. It would also exclude some states that although non democratic should be included in a global forum to foster cooperation with them in a transition toward more democratic societies and in observing minimal human rights standards. Finally, it would exclude what John Rawls calls decent hierarchical societies that comply with minimal human rights standards, although they are not liberal societies.[50] Thus, it is advisable that the membership in the United Nations remains unconditional about the domestic form of government.[51] The *Democracy Caucus* could informally encourage non-democratic members of the United Nations to adopt basic democratic traits to fulfill better their obligations under United Nations Charter.

A *Democracy Caucus* promoting democratic traits among the United Nations members informally, by persuasion and example, has other advantages besides avoiding the pitfalls of requiring democratic credentials for membership. It shows prudence about how far the correlation between democracy and peace can be considered proven. Moreover, to use a *Democracy Caucus* as a forum for promoting democracy informally has the advantage of accepting that for democratic governance to be successful it must be domestically grown. Although nowadays, democracy is among the forms of government that do not need justification; it is advisable to let societies find their own way to democracy and allow democracy to have a wide range of variations. A *Democracy Caucus*

ought to be more concerned with promoting democratic values rather than with adopting a particular set of institutions. As Boutros-Ghali put it: "[L]e Droit international de la démocratie n'a évidemment pas pour objectif d'imposer un modèle unique de gouvernement à l'ensemble des États de la planète. Bien au contraire.... La finalité du Droit international de la démocratie est, tout à l'inverse, de diffuser des valeurs."[52]

Sharing democratic values could also strengthen cooperation in the United Nations. When representatives to international organizations come from democracies, they know that their mandate emanates from the people, and could change with the next elections. It assumes that their decisions would be more measured, and that they would be accustomed to legitimating their decisions through democratic procedures, even if a direct accountability from the decisions of international institutions to the people does not exist. Convening a *Democracy Caucus* for informal consultations or for debates, representatives from around the world will put those shared democratic values in the forefront of their deliberations. They could show by example how those values, such as the centrality of dialogue, the importance of legitimate processes and the willingness for compromise, facilitate their search for consensus and decision-making. A *Democracy Caucus* as a forum of discussion from representative of democracies would allow an exchange of ideas, learning habits, and beliefs that could strengthen the decision-making in the United Nations. It would add another set of shared values among the state representatives that would facilitate cooperation, exchange, and mutual understanding.

A *Democracy Caucus* would bring to the spotlight not only those states that are not democracies, encouraging them to become one, but also it may engender conversation on where there democracy lies on a continuum of democratic possibilities. In this way, it could be an opportunity to improve new democracies and revitalized old ones. Some see in Russia only a simulacrum in which recognizable forms of democracy are in place, denaturalized by unwritten rules: "elections are held, but candidates out of favor with the Kremlin are often knocked off the ballot. Court conducts trials, but the state almost never loses. Parliament meets, but only to rubber-stamp legislation."[53] In addition, after the 2000 presidential election, some would question how efficient the American electoral procedures and methods are.[54] In other words, to require a simple electoral standard of how officials are elected implies the respect of fundamental freedoms such as freedom of speech, association, press, participation, due process- part of universal human rights. How well democratic states organize their institutions to ensure those freedoms and therefore closeness to the democratic ideal would be a natural topic of a *Democracy Caucus*. A *Democracy Caucus* could help to reinstate democracy where it was lost, could help to speed up democratization

in those states in transition toward democracy, and could help to prevent demo-
cratic decay in those states considered old democracies. It could also be a fo-
rum to reflect on the much-needed planetary democracy. As Vaclav Havel said,
the mistrust against democracy is not so much against democracy itself. It is
against "the limited ability of today's democratic world to step beyond its own
shadow, or rather the limits of its own present spiritual and intellectual condi-
tion and direction, and thus its limited ability to address humanity in a genuinely
universal way." [55] As a result, continues Havel, "democracy is seen less and
less as an open system best able to respond to people's basic needs, that is, as a
set of possibilities that continually must be sought, redefined, and brought into
being. Instead, democracy is seen as something given, finished, and complete
as is, something that the more enlightened purchase and the less enlightened do
not."[56] A *Democracy Caucus* could be a forum for the democracies of today "to
step beyond [their] own shadow."

Finally, if international law were seen in part as the result of law making
by representatives within states from people elected/chosen for that purpose, a
Democracy Caucus would have to confront the questions about how democratic
the United Nations is. It would have to begin to debate how much legitimacy
they have as a deliberative body themselves to be making international deci-
sions regarding democratic governance. A *Democracy Caucus* could bring this
conversation to the foreground and begin to solve existing legitimacy deficits in
the United Nations itself.

The Future of the *Democracy Caucus* in the United Nations

A *Democracy Caucus* conceived as the informal gathering and consulta-
tion of democracies and aspiring democracies could become the forum in which
the United Nations will find its new vitality. To be sure, there is the distinc-
tion between United Nations reform initiatives as pre and post Iraq. Initiatives
for United Nations Reform Pre-Iraq, characterized as a quiet revolution, were
successful especially in improving internal processes, when consensus existed.
Conversely, a stall was inevitable on organizational changes affecting power
positions at the Security Council. Initiatives for United Nations Reform post
Iraq, characterized as a clamoring for change, aims to fundamentally reform of
the organizational structure of the United Nations, General Assembly, Econom-
ic and Social Council, and the Trusteeship Council.[57] Last year, Kofi Annan ap-
pointed the High-Level Panel with the mandate of reporting on Global Security
Threats and Reform of the International System. The High-Level Panel issued
a Report in 2004 entitled *A more Secure World*: *Our Shared responsibility* and
some of its recommendation will be addressed on a special summit this Septem-

ber at the United Nations Headquarters. In the Report, it is reemphasized that for improving the organizational structure of the United Nations a combination of power and principle has to be achieved. Proposals that neglect power realities will fail, but proposals that neglect principles will never gain enduring and complete acceptance. There is a need of a more vital General Assembly and a more proactive Security Council. The Report is concerned for the lack of legitimacy of the Commission on Human Rights that entails a reputation risk for the United Nations.[58] Therefore, the *Democracy Caucus* in the United Nations could be well received as a way of promoting a consensus to achieve the urgent United Nations reforms. Debate within a *Democracy Caucus* would be an occasion, albeit challenging, to test if democratic values among its members could yield better results for revitalizing the United Nations.

In addition, the political environment seems favorable for the working of the *Democracy Caucus* in the United Nations. U.S. president George W. Bush has made the spreading of democracy around the world a key component of his foreign policy, assuming that it is essential to share common democratic values to succeed against the global threat of terrorism.[59] The initiatives, activities, and meetings of the *Democracy Caucus* would fit the interest of one of the most powerful members of the United Nations and could add a much-needed multilateral nuance to his goals. A *Democracy Caucus* could show that promoting democratic values is not an American foreign policy to mask power calculations and self-interest, but a true and genuine initiative founded in principle. In addition, it would allow extending another bridge to overcome the rift between the United States and Europe and other countries after the Iraq intervention. It would provide a forum in which multilateral policies for democracy could be discussed, formulated, and promoted.

Naturally, activities of the *Democracy Caucus* in the United Nations will be received with skepticism, if not with contempt. It will be reminded that the United Nations is not a Parliament. Its members are not legitimated democratically and do not enjoy the freedom of deliberating in making their decisions because they are appointed to follow the instructions given to them by their government. Nevertheless, precisely how to overcome this major criticism may be one of the most important issues that a *Democracy Caucus* should solved. At any rate, to be successful in the end, it is important to consider who should lead the *Democracy Caucus* and how democratic its own decisions are. Yet, every representative at the United Nations should be interested in supporting the *Democracy Caucus* because what is it at stake is not if democratic values are spreading into the world as a cultural, global reality.[60] They are. As Chirac unmistakably saw, what is at stake is if the United Nations can be put at the heart of that Planetary Democracy.

(Footnotes)

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[1] Jacques Chirac, Speech at the Opening Meeting of the 58th Session of the General Assembly of the United Nations, New York, March 23, 2003, http://www.un.org/webcast/ga/58/statements/frafre030923.htm.

[2] Planetary Movement Limited, Movements, Planetary Democracy, http://www.planetarymovement.org/movements/pd.htm.

[3] http://journal.planetwork.net

[4] *See* The World Movement for Democracy, Confronting the Challenges to Democracy in the 21st Century, http://www.wmd.org/information.html.

[5] *See* The Common Good, One World, Many Democracies: Citizens of the World, http://www.abcclassics.com/civics/dialogue/aims.htm.

[6] *See* Freedom House, Democracy's Century, A Survey of Global Political Change in the 20th Century, http://freedomhouse.org/reports/century.html.

[7] *See* http://www.democracycaucus.net/pdf/alvear_statement_sep04.pdf

[8] *See* http://www.democracycaucus.net/pdf/joint_communique_sep04.pdf

[9] *See* The Spiritual Caucus at the United Nations, http://www.spiritualcaucus-un.org/.

[10] *See* The Values Caucus at the United Nations, http://www.valuescaucus.org/

[11] The New York Times, *Excerpts*, *Bush and Putin on Democracy*, *Political Debate and Iraq*, N.Y. Times, Feb. 25, 2005, http://www.nytimes.com/2005/02/25/international/25ptext.html. *See also* Elisabeth Bumiller & David E. Sanger, *Bush and Putin Exhibit Tension Over Democracy*. N. Y. Times, Feb. 25, 2005), http://www.nytimes.com/2005/02/25/international/europe/25prexy.html.

[12] *See generally* Shaohua Hu, Explaining Chinese Democratization (2000). *See also* Lucian W. Pye, Book Review, Foreign Affairs, Jan./Feb. 2003, http://www.foreignaffairs.org/20030101fabook10283/suzanne-ogden/inklings-of-democracy-in-china.html (reviewing Suzanne Ogden, Inklings of Democracy in China (2002) ("Ogden trusts her personal observations during many trips to China to report that Chinese society has moved a significant distance from its earlier totalitarian arrangements . . . China will not necessarily develop into a Western-style democracy, she says, but it will become a blended system that will give a reasonably good life to its citizens.")

[13] Niall Ferguson, *Sinking Globalization*, 84 Foreign Affairs 75 (Mar./Apr. 2005).

[14] *See* Miguel González Marcos, *Living Short of Paradise*: *International Law After the End of the Cold War* (Heinrich Böll Foundation ed., 2003).

[15] *See* Michael Mandelbaum, The Ideas That Conquered the World: Peace, Democracy, and Free Markets in the Twenty-First Century (2002).

[16] *See* Mandelbaum, at 250. Interestingly, already Schiffer in 1954, mentioned an article of 1910 by the Swiss jurist, Max Huber in which he made a connection between "legal limitations and control of government actions on the one hand, and modern ideas regarding the possibility and desirability of a legal order regulating the intercourse be-

tween independent states on the other." Walter Schiffer, The Legal Community of Mankind: a Critical Analysis of the Modern Concept of World Organization 108 (1954) (Title of Huber's article *Die Soziologischen Grundlagen des Völkerrecht*).

[17] *See generally* Charlotte Ku & Harold Karan Jacobson (eds.) DEMOCRATIC Accountability and the Use of Force in International Law (2003).

[18] *Cf.* G. John Ikenberry, Foreign Affairs, Mar./Apr. 2005 , http://www.foreignaffairs.org/20050301fabook84216/morton-h-halperin-joseph-t-siegle-michael-m-weinstein/the-democracy-advantage-how-democracies-promote-prosperity-and-peace.html (reviewing Morton H. Halperin, Joseph T. Siegle, and Michael M. Weinstein, The Democracy Advantage : How Democracies Promote Prosperity and Peace (2004) (saying "[t]hey do not establish a direct causal relationship between democracy and development but show correlations that render suspect the notion of an authoritarian advantage").

[19] *Cf.* International Institute for Democracy and Electoral Assistance (IDEA), Democracy Assesment - State of Democracy Project, http://www.idea.int/democracy/sod.cfm, (last modified Nov. 22, 2004) ("sponsoring the development of a new methodology for assessing the condition of democracy, or progress towards democratization, in any country around the world"). *Cf. also* Hessische Stiftung Friedens –und Konfliktforschung, Forschungprogram, Internationale Organisation, Demokratischer Friede und Die Herrschaft des Rechts, http://www.hsfk.de/group.php?id=4&language=de.

[20] *Cf. generally* Fareed Zakaria, The Future of Freedom: Illiberal Democracy at Home and Abroad 13 (2003) (arguing that "[w]e live in a democratic age).

[21] Thomas M. Franck, *The Emerging Right to Democratic Governance*, 86 Am. J. Int'l L. 46 (1992). *See generally* Jude I. Ibegbu, Right to Democracy in International Law 83-4 (2003) (arguing that a right to democracy is already existent "not only as a norm of treaty but also as principle of law recognized by civilized nations and as a customary international law." Thus, according to the author, it "is no longer a matter essentially within the internal jurisdiction of the States." *Id*. at xxxvi.).

[22] *See also* Thomas M. Franck, Fairness in International Law and Institutions (1995).

[23] Franck 1992, at 77-9 ("the democratic entitlement has acquired a degree of legitimacy by its association with a far broader panoply of laws pertaining to the rights of persons vis-à-vis their governments." *Id*. at 79).

[24] *Id*. at 131.

[25] The factors influencing the creation of the *Democracy Caucus* could be organized using historian Lawrence Stone´s understanding of the causation of historical events. According to Stone, a historical event has long-term causes or preconditions, mid-term causes or precipitants, and immediate causes or triggers. *See generally* Lawrence Stone, The Causes of the English Revolution 1529-1642 (1986).

[26] The Non-Aligned Movement was established to represent the political interests of the sizeable portion of UN member-states that attempted to remain equidistant from both the US and the USSR. With the demise of the Soviet bloc, the Non-Aligned Movement lost its raison d´etre and began to wither as its membership decreased. Also, its leadership was captured by more "radicalized" states, its consensus-building capacity eroded

as it failed to reach substantial agreements on issues such as democracy and human rights, and it slowly began to give the way to the G77, which today has 130 member-states and builds consensus around economic and social development issues.

[27] Five of the International Conferences of New or Restored Democracies have been held so far in Manila, the Philippines in June 1988 –the forerunner of all others--, in Managua, Nicaragua in July 1994, in Bucharest, Romania in 2-4 September 1997, Cotonou, Republic of Benin, in December 2000, and, most recently, in Ulaanbataar, Mongolia, from 18 to 20 June 2003. The Sixth Conference of New or Restored Democracies will be held in Doha, Qatar, 13-15 November 2006.

[28] Their meetings have taken place in New Delhi, India, in 14-17 February 1999, in Sao Paulo, Brazil, from November 12-15, 2000, and in Durban, South Africa, on February 2004. The Fourth Assembly of the World Democracy Movement will take place in Istanbul.

[29] The conferences have been held on 26-27 June of 2000, in Warsaw, Poland, then from 10 to 12 November of 2002, in Seoul, Korea, and the most recent held from April 28 to 30 of 2005 in Santiago de Chile. In addition, the Community of Democracies counts with an analogous mechanism of no less importance, namely the Non-Governmental Forums that meet in parallel with the ministerial conference. It gathers hundreds of NGOs from over sixty countries.

[30] In addition to the United Nations initiatives and instruments promoting democracy, a growing body of initiatives and instruments for promoting democracy adopted by regional and sub-regional organizations also helped in precipitating the creation of *Democracy Caucus*. Some of them are: the Decision 141/XXXV of the Organization of African Unity; the Manila Declaration of the First International Conference of New or Restored Democracies adopted in 1988; the Document adopted by the Organization for Security and Cooperation in Europe in 1990 at its Copenhagen meeting; The Document on the Human Dimension adopted by the Conference for Security and Cooperation in Europe in 1991 at its Moscow meeting; The Commonwealth Declaration adopted by the Commonwealth Heads of Government Meeting held at Harare in 1991; Resolution 1080 adopted in 1991 by the Organization of American States (OAS); the 1994 Managua Declaration and Plan of Action of the Second International Conference of New or Restored Democracies; The Millbrook Commonwealth Action Plan adopted at Millbrook, New Zealand, in 1995; the Treaty on European Union of 1992 as amended by the Treaty of Amsterdam of 1997; The Universal Declaration on Democracy adopted by the Inter-Parliamentary Union on 16 December 1997; the Declaration of the 1999 Moncton Summit of the International Organization of the Francophonie; The Bucharest Final Document of the Third International Conference of New or Restored Democracies held in 1997; the Constitutive Act of the African Union adopted in 2000; The Bamako Declaration adopted on November 3, 2000 by the Symposium on the Practices of Democracy, Rights and Freedoms in the French-Speaking Community; The Cotonou Declaration of the Fourth International Conference of New or Restored Democracies held in Benin in 2000; The Warsaw Declaration adopted in 2000 by the ministerial First Ministerial Conference of the Community of Democracies, entitled "Towards a Community of Democracies" of 2000; The Inter-American Democratic Charter adopted in

September 11 2001; The "Seoul Plan of Action" adopted by the Second Ministerial Conference of the Community of Democracies, held in Seoul from 10 to 12 November 2002; The Ulan Bator Declaration and Plan of Action on Democracy, Good Governance and Civil Society, of the Fifth International Conference of New or Restored Democracies held in Mongolia in 2003.

[31] *See* http://www.ccd21.org/articles/warsaw_declaration.htm

[32] *See* http://www.democracycaucus.net/pdf/joint_foreign_minist_sep00.pdf

[33] Council for Community of Democracy, Seoul Plan of Action, http://www.ccd21.org/conferences/ministerial/plan_of_action.htm (last visited May 27, 2005).

[34] Community of Democracies, Convening Group' Ministerial Meeting, Joint Press Communiqué
New York, September 26th, 2003, at the 58th UN General Assembly, http://www.democracycaucus.net/pdf/undc_joint_press_sep03.pdf.

[35] The NGOs include (1) American Bar Association, (2) American Jewish Committee, (3) Better World Campaign, (4) Carter Center, (5) Church Women United, (6) Council for a Community of Democracies, (7) Democracy Coalition Project, (8) Freedom House, (9) The Fund for Peace, (10) Human Rights First, (11) Human Rights Watch, (11) International Crisis Group, (12) International Federation of Human Rights, (13) International League for Human Rights, (14) Jacob Bleustein Institute, (15) Open Society Policy Center, (16) Transnational Radical Party, (17) UN Foundation, (18) UNWatch, and (19) Women´s Edge Coalition.

[36] *See* Campaign for a UN Democracy Caucus, http://www.democracycaucus.net/html/about.html (last visited May 27, 2005).

[37] *See* UN Watch, Speeches and Statements, NGOS Urge Creation of Permanent UN Democracy Caucus, http://www.unwatch.org/speeches/Release_Sept_2004_Letter-for_UN-Democracy-Caucus.html (Last visited May 27, 2005).

[38] *See* Open letter to Member Governments of the UN Democracy Caucus, http://www.democracycaucus.net/pdf/Open_Letter_Annan_HRC_Reform_March05.pdf.

[39] The first diplomats sent to Spanish America were given precise instructions to convert its leaders to the twin creeds of representative government and *laissez faire* economics. The result was that during the first half of the 19th century US diplomats were regularly accused of interfering in the internal affairs of Spanish American countries on the side of forces they esteemed as democratic. *See* J. Fred Rippy, Globe and Hemisphere: Latin America´s Place in the Postwar Foreign Relations of the United States 10-6 (1958).

[40] On current US efforts to export democracy see generally Graham Allison and Robert Beschel "Can the US Promote Democracy" 107 (1) Political Science Quarterly 81-98 (1992); Thomas Carothers, In the Name of Democracy: UN Policy Towards Latin America in the Reagan Years (1991); Brad Roberts (ed.), The New Democracies: Global Change and US Policy (1990).

[41] *See* International Information Programs, U.S. Department of State, U.S. Plan to Promote Democracy Caucus at the United Nations, http://usinfo.state.gov/xarchives/display.html?p=washfile-english&y=2004&m=September&x=20040915111032adynned0.6147577&t=livefeeds/wf-latest.html

[42] *See* Council for a Community of Democracies, Warsaw Conference, http://www.

ccd21.org/warsaw.htm (Last visited May 27, 2005).

[43] *Cf*. Hans Kelsen, The Law of the United Nations, A Critical Analysis of its Fundamental Problems 76 (The Lawbook Exchange, Ltd., 4th printing 2004) (F.A. Praeger 1950) (indicating that "[i]t is significant that among the conditions of membership –be it original or subsequent- there is no reference to the form of government." *Id*. Further, although he said that the Charter does not require democratic governance as a condition of membership nor allows intervention by the United Nations for promoting democracy, he emphasized that this is so "*as long as the form of government is considered to be a matter which is within the domestic jurisdiction of the state*." *Id*. (emphasis added). Furthermore, Kelsen quotes extensively a resolution adopted by the General Assembly in its 26th meeting opposing the admission of Spain under Franco. Likewise, he quotes a General Assembly resolution adopted in its 59th meeting recommending the expulsion of Spain from membership in United Nations' international agencies as well as calling for Security Council measures, if "within a reasonable time, there is not established a government which derives its authority from the consent of the governed." *Id*. at 77.). As mentioned, one of the major changes in international law after the end of the Cold War was that form of government began to be seen as a matter of international and not merely domestic concern.

[44] Matthew Griffin, *Accrediting Democracies: Does the Credentials Committee of the United Nations Promote Democracy through Its Accreditation Process, and Should It?* (Note), 32 N.Y.U. Journal of International Law and Politics 725-26 (2000).

[45] *Id*.

[46] U.N. Charter art. 4, para. 1.

[47] Robert F. Turner, *Haiti, and the Growth of a Democracy Entitlement*, *in* The United Nations at Fifty. Sovereignty, Peacekeeping and Human Rights 29 (Don M. Snider and Stuart J.D. Schwartzstein eds., 1995).

[48] *See generally* Griffin, at 771-81 (addressing the difficulties of using the credential process for promoting democracy as articulated by process, constitutional and universality arguments); Robert Boyer, *What Institutional Regimes for the Era of Internationalization?*, *in* Global Prescriptions: The Production, Exportation, and Importation of a New Legal Orthodoxy 131 (Yves Dezalay and Bryant G. Garth eds., 2002).131 ("Clearly one of the major challenges of our time is to create a new theory of democracy for governing institutions nested in a world of unprecedented complexity, one in which sub national regions, nation-states, and continental and global regimes are all intricately linked.").

[49] *See* Jürgen Habermas*, Was Bedeutet Der Denkmalsturz? Verschließen Wir Nicht Die Augen Vor Der Revolution Der Weltordnung: Die Normative Autorität Amerikas Liegt in Trümmern,*, Frankfurter Allgemeine Zeitung, April 16, 2003 ("Gewi* ist die Weltorganisation heute noch nicht in der Lage, abweichende Mitgliedstaaten zu nötigen, ihren Bürgern eine demokratische und rechtsstaatliche Ordnung zu garantieren").

[50] *See* John Rawls, The Law of Peoples 80 (First Harvard University Press paperback edition, 2001) (1st. 1999).

[51] *Cf. generally* for the admission process in the United Nations Henry G. Schermers & Niels Blokker, International Institutional Law : Unity within Diversity § 95, 67

(3rd rev. ed. 1995). See also Kofi Annan, *"In Larger Freedom": Decision Time at the UN*, 84 FOREIGN AFFAIRS 63, and (May/Jun. 2005) (Annan would welcome the day in which "every member state of the General Assembly is democratically governed." But he emphasizes that "[T]he UN's universal membership is a precious asset in advancing that goal." Other democratic states and "civil society around the world, can press them [non democratic states] to align their behaviour with their commitments." *Id*. at 71-1).

[52] *See also* BOUTROS BOUTROS-GHALI, *Pour Un Droit International De La Démocratie*, *in* THEORY OF INTERNATIONAL LAW AT THE THRESHOLD OF THE 21ST CENTURY 104-5 (Jerzey Makarczyk ed. 1996).

[53] Peter Baker, *Kremlin press corps example of problems that afflict Russia*, THE STAR TRIBUNE, Feb. 25, 2005 (From the Washington Post).

[54] *See*, *e.g.* Draft Report, Voting Irregularities in Florida During the 2000 Presidential Election, http://permanent.access.gpo.gov/lps13588/lps13588/main.htm.

[55] Vaclav Havel, Forgetting We Are not God, 51 FIRST THINGS 47-50 (Mar. 1995) (Rev. version of speech given at Stanford University on Sept. 29, 1994).

[56] *Id*.

[57] Sarah Gillinson, UN REFORM: 1997-2003 2 (Overseas Development Institute, London, Nov. 2003), http://www.odi.org.uk/speeches/un2004/first_meeting_29_April/un_reform_gillinson.pdf.

[58] *See* Report of the Secretary-General's High-level Panel on Threats, Challenges and Change, United Nations, A More Secured World: Our Shared Responsibility (2004).

[59] Terence Hunt, *Bush says spreading democracy is key to winning fight against terrorism*, THE STAR TRIBUNE, Mar. 8, 2005. *See also* George W. Bush, State of the Union Address, Feb. 5, 2005 (stating together as goals fighting terrorism and promoting democracy), http://www.whitehouse.gov/stateoftheunion/2005/index.html#4.

[60] *Cf. generally* Thomas L. Friedman, *It's a Flat World, After All*, THE NEW YORK TIMES MAGAZINE, Apr. 3, 2005, 33-7 (mentioning that one of the most important effects of globalization now is that individuals and small groups are speeding up "the process of connecting all the knowledge pools in the world together." *Id*. at 34.).