

Intervention of The Hon Emma Bonino, MEP, as delivered at the Opening Ceremony of the Sana'a Inter-Governmental Conference on Democracy, Human Rights and the Role of the International Criminal Court, Sana'a, Yemen, 11 January 2003

Your Excellency, the President of the Republic of Yemen;

The Honourable Prime Minister;

Your Excellencies, representatives of regional organisations: the Arab League, the Islamic Conference and the European Union;

Your Excellency, representative of the Secretary-General of the United Nations;

Ministers;

Ambassadors;

Colleagues from so many Parliaments;

My dear friends from civil society;

Welcome to this beautiful and historic city of Sana'a.

First of all I would like to thank the Government of Yemen and No Peace Without Justice for organising this conference. But particularly, I would like to thank the President of the Republic of Yemen, His Excellency Ali Abdullah Saleh, for facilitating the holding of this Conference and for presiding over it. I extend our special thanks to the European Institutions -- the Parliament, the Commission, the Council -- and several member States for their financial and political support. In addition, our thanks go to the governments of Canada and Switzerland, as well as to the United Nations, particularly to UNDP, for all their support and the important contribution they made to the development of the program for this Conference.

We in No Peace Without Justice believe that this Conference is important and critical for two major reasons. Of course, the issues to be discussed are of fundamental importance. But just as important, the format of this meeting represents an innovative and exciting approach: your presence as representatives of governments, parliaments, non-governmental actors and others, sitting together and discussing these sensitive and complex issues, is to be applauded. It is not something that happens very often, although we hope this will mark the start of a new trend towards regular, open, frank and constructive dialogue.

Ladies and Gentlemen, as you embark on your discussions over the next couple of days, there are some thoughts I would like to share with you, which I hope will be useful:

1) We, in No Peace Without Justice and in the Transnational Radical Party, have never believed in the theory of the "clash of civilizations".

2) We do believe that religions -- all religions -- and democracy are compatible. We believe that Islam and democracy are compatible. But history throughout the ages and across the world warns us very clearly that whenever religion is used or manipulated for political goals, this is when problems arise. If we let religion be used in this way, we are not only doing a great disservice to the believers but also to democracy, human rights, mutual respect and tolerance.

3) We strongly believe that democracy and the rule of law is the "least worst system in order to promote human and economic development"; as it has been said, "Democracy is the worst form of government except for all those others that have been tried." In this sense, we completely agree with the conclusions of the United Nations Secretary-General, Kofi Annan, in his report on the "Implementation of the United Nations Millennium Declaration", in which he stated: "Democracy and human rights, though distinct concepts, are closely interlinked:" – as the President has just said – "Democracy, as a human right in itself, is implied in article 21 of the Universal Declaration of Human Rights, but it only functions in its fullest sense when other human rights are respected." In fact, if we take another look at the Universal Declaration of Human Rights, which has inspired the wide spectrum of human and civil rights instruments adopted so far, we find not only article 21, which deals with "genuine elections by universal and equal suffrage", but also article 20 on freedom of association; article 19 on freedom of opinion and expression; article 18 on freedom of conscience and religion; article 17 on the right to own property; and many others. In particular, an important article in this context is article 26 on education, which says, inter alia, "... Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms."

4) Democracy, founded on the principle that the government of a country is based on the will and consent of the governed, promotes choice, voice and access to rights. Elections are therefore only one hallmark of democracy; elections are necessary but are not sufficient for a system or country to be democratic.

Democracy both requires and is safeguarded by the separation of powers between the Executive, Legislative and Judicial branches, providing an independent system of checks and balances to avoid the concentration of power.

Democracy also requires that these branches of government carry out their mandates openly and transparently. This is where civil society and the media come in. The media act as a check on government and as a conduit for information to reach the people, thereby informing the powerful tool of public opinion. It is no coincidence that in a totalitarian regime, when a government wants to exercise power arbitrarily and unilaterally, its first step is to remove the freedom of the press

and its second step is to isolate or undermine civil society.

5) It is clear from this brief explanation of the basic principles of democracy that democracy, in our opinion, does not come in different types: we do not believe there is such a thing as a "Western" democracy or an "African" democracy or an "Arab" democracy. It is, of course, true to say that the mechanisms by which democracy is implemented, such as the procedures or the electoral system, can be different. In fact, this is a logical by-product of democracy coming from the will and consent of the people, which of necessity are shaped by their cultures and their traditions. But the fundamental principles of democracy remain the same, including the systems by which democracy and human rights must be safeguarded.

6) As I mentioned, one hallmark of democracy is elections based on universal suffrage. However, despite the now wide recognition of women's rights and the role of women in society and governance, women in too many parts worldwide continue to be excluded from or under-represented in genuine participation in decision-making at all levels of government.

The full inclusion of women in political decision-making and governance would bring many benefits to humanity, including increased awareness of the specific problems faced by over half of the population. Full and genuine inclusion must be made a priority, not because women have a different or better way of dealing with things, but because excluding the majority of the population on the basis of something as arbitrary as gender reduces the pool from which brilliance and innovative solutions to difficult problems can be drawn.

7) It is true that democracy is an imperfect system. It is a complex and fragile system, which needs constant care and monitoring. It is a process, not a fixed moment in time. Even well-established democratic political systems can run the risk of being spoiled by controlled or censored information or by limited participation unless there is vigilance by every actor in the system.

8) Finally, although democracy and the rule of law are primarily home-grown, democracy can be enhanced by working with the international community and international organisations. They can provide valuable support and useful ideas. But these international organisations also require support, careful monitoring and sometimes innovation to make their full contribution to the strengthening of democracy and the rule of law worldwide. Because of this, we in No Peace without Justice have been strong supporters of international law and justice, as justice itself strengthens the rule of law, which is inherent in democratic principles.

We have therefore been actively engaged in the promotion of accountability mechanisms for dealing with the past and preventing future violations; in particular, the ad hoc Tribunals for Rwanda and the former Yugoslavia; the Special Court for Sierra Leone, where we recently concluded a successful three-year project that

contributed directly to the Court's establishment and operations; and the International Criminal Court, which has been our main focus since the beginning. So the final thought I would like to leave you with is to encourage you to consider increased ratification of the ICC by countries in the region, to participate fully in its work and to ensure that regional legal systems and traditions might be better represented.

Mr President, Distinguished Ladies and Gentlemen,

I would like to express my deep and personal feelings of emotion as I look around this magnificent room and see all of you gathered here to devote your thoughts, time and energy to the critical issues we have come together to discuss. It makes us in No Peace Without Justice see that our role has come to an end, as this is first and foremost your Conference. The results of this Conference and the common vision we aspire to and your willingness to engage one another in dialogue in a spirit of frankness and understanding lie in your hands.

Thank you and good luck.