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## ***The Importance of Building a Just World Order to Democracy and the Diversity of World Civilizations***

*Democracy summits are organized not only in the United States, but also in China. The Second summit opened on 23 March 2023 in Beijing with the participation of dozens of experts and professors from the entire globe. I participated in the first summit in 2022 and was invited to Beijing for the second forum, but since I am already participating in the 52nd session of the UN Human Rights Council in Geneva, I sent a pre-recorded statement in video form, with the general title “The Importance of Building a Just World Order to Democracy and the Diversity of World Civilizations”:*

Over millennia humanity has aspired live in peace with social justice. *Pax et iustitia*. Philosophers of all cultures have posed fundamental questions of existence on our planet, and how to establish a sustainable world order that serves human dignity and advances our collective and individual rights. The goal is not just greater gross domestic products, but gross domestic and international happiness as expressed in the Bhutanese proposal which the United Nations General Assembly embraced in 2013 when it declared 20 March International Day of Happiness.[1] Indeed, happiness is a fundamental human goal, which can be achieved through a more inclusive, equitable and balanced approach to economic growth that promotes the happiness and well-being of all peoples. This was also the goal of the Millennium Development Goals[2] and of the 17 Sustainable Development Goals[3] proclaimed in 2015, which seek to end poverty, reduce inequality and protect our planet.

This is an on-going concern, because we have not yet achieved a democratic and equitable world order, notwithstanding international cooperation and coordination promoted by the

United Nations Organization and its many agencies, *inter alia* the World Health Organization, the International Labour Office, and the United Nations Educational Scientific and Cultural Organization.

Today, the United Nations Charter is our only “rules based international order”, akin to a world constitution. This constitution can be amended, but only in cooperation with all world civilizations. Our world order is further developed through international treaties such as the Vienna Convention on the Law of Treaties, the Vienna Conventions on Diplomatic and Consular Relations, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, rulings and advisory opinions of the International Court of Justice, decisions of the Security Council and Resolutions of the General Assembly, notably 2131, 2625, 3314, 39/11, 60/1, etc. Unfortunately some powerful countries violate the fundamental principles of world order with impunity.

Since 1945 the priorities of the United Nations have been peace, development and human rights. A reality-check demonstrates that although some progress has been achieved, there have been thousands of armed conflicts throughout this period, continuing acts of military aggression, economic wars, unilateral coercive measures<sup>[4]</sup> and crimes against humanity. The greatest threat to the survival of the planet is posed by the production and stockpiling of nuclear, biological and chemical weapons that could wipe out humanity. Politicians and media in many countries manufacture hate against other cultures and civilizations, and engage in propaganda for war, a crime prohibited in article 20 of the International Covenant on Civil and Political Rights<sup>[5]</sup>.

Art. 2(3) of the UN Charter already obliges all States to settle disputes by peaceful means. This obligation to negotiate means good faith dialogue with the goal to reach a compromise, a *quid pro quo*. There is no right to intransigence in the UN Charter, no right to say “my way or no way”. If one party refuses to talk, it is actually violating article 2(3) of the Charter and provoking the other to the use of force. Moreover, provocation always entails the *threat* of the use of force, which is specifically prohibited in article 2(4) of the Charter.

An atmosphere of confrontation, sabre-rattling and expansion of offensive military alliances to the very frontiers of other states surely constitute a serious threat to international peace and security for purposes of article 39 of the UN Charter and thus fall within the remit of the UN Security Council. The United Nations world order provides forums where differences can be discussed in conformity with the UN Charter. Refusal to

negotiate is incompatible with the Object and Purpose of the United Nations and manifests bad faith in contravention of article 26 of the Vienna Convention on the Law of Treaties. Similarly, once an armed conflict has broken out, the obligation to negotiate continues. The deliberate prolongation of a war, expecting victory or unconditional surrender of one's adversary is obsolete in the nuclear world, and constitutes not only a crime against peace but also a crime against humanity. Chinas 12-point proposal for peace in Ukraine[6] is coherent, just and implementable. So too the mediation proposals by Pope Francis[7], the Brazilian President Luiz Inacio Lula[8] and the Mexican President Andrés Manuel Lopez Obrador[9].

Peoples want peace. It is their unwise governments that stumble into war. It is up to us to demand from our democratically elected leaders that they consult the population on issues of peace and war, on issues of military budgets that take away the right to development and make it nearly impossible to achieve the sustainable development goals. We have less than seven years to achieve the Agenda 2030 for the SDG's.[10]

In 2011 the United Nations Human Rights Council adopted resolution creating the mandate of an Independent Expert for International Order. I was the first mandate holder and produced 14 reports in the period 2012-18. My successor, Dr. Livingstone Sewanyana (Uganda)[11] has advanced the goals of the resolution since 2018.

When I assumed my functions as rapporteurs, I was guided by General Assembly Resolution 60/1 of 24 October 2005. Paragraph 135 stipulates "that democracy is a universal value based on the freely expressed will of people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives. We also reaffirm that while democracies share common features, there is no single model of democracy, that it does not belong to any country or region, and reaffirm the necessity of due respect for sovereignty and the right of self-determination. We stress that democracy, development and respect for all human rights and fundamental freedoms are interdependent and mutually reinforcing." Therefore, it is clear that the notorious attempts by some powerful governments to export a single model of democracy to other countries constitutes an illegal interference in their internal affairs and a violation of the UN principle of the sovereign equality of states. Such attempts have produced a series of "colour revolutions" that have imposed undemocratic "regime change" in a number of countries and resulted in chaos and failed states, as in the emblematic case of Libya. Proxy wars continue in many parts of the world, notably in Syria and Ukraine.

My 2018 report to the UN Human Rights Council proposed 25 “Principles of International Order”, which the then President of the General Assembly, Maria Fernanda Espinosa, refer to as “a magna Charta for the 21st Century.” These principles are reprinted in my 2021 book “Building a just World Order”[\[12\]](#).

Principle 1 reads in part

“The United Nations Charter commits all States to promoting *Peace with Justice*. The Preamble and articles 1 and 2 of the Charter stipulate that the principal goal of the Organization is the promotion and maintenance of peace. This entails the prevention of local, regional and international conflict, and in case of armed conflict, the deployment of effective measures aimed at peace-making, reconstruction and reconciliation. The production and stockpiling of weapons of mass destruction constitutes a continuing threat against peace. Hence, it is necessary that States negotiate in good faith for the early conclusion of a universal treaty on general and complete disarmament under effective international control. ... The motto of the International Labour Organization deserves being recognized as the universal motto for our time: *si vis pacem, cole justitiam* (if you want peace, cultivate justice). Moreover, peace must be recognized an enabling right, a pre-condition to the enjoyment of civil, cultural, economic, political and social rights.” Indeed, if we want peace, we must prepare the conditions for peace. *Si vis pacem, para pacem*.

Principle 4 stipulates: “International law and human rights law must be applied uniformly and in good faith. The arbitrary interpretation or selective application of international law, double-standards and selectivity undermine the authority of the law and frustrate its function to ensure stability and predictability.

Principle 7 stipulates further: “General principles of law (Statute of the International Court of Justice, Article 38, para 1(c)) inform the interpretation and guide the application of international law. Among general principles of law we recognize good faith, estoppel, reciprocity, proportionality, *ex injuria non oritur jus* (a breach of law does not give rise to new law), the prohibition of the abuse of rights, *sic utere tuo ut alienum non laedas* (use your rights but do not encroach on others), the prohibition of contracts or treaties that are *contra bonos mores* (against good morals), the impartiality of judges, non-selectivity, the principle of non-intervention in the internal affairs of States, *audiatur et altera pars* (all sides must be heard), *actori incumbit onus probandi* (the plaintiff carries the burden of proof), presumption of innocence, the customary rule that domestic law cannot be invoked to undermine international treaties, and the “unwritten laws” of humanity[\[13\]](#).

Principle 19 provides in part that “States must refrain from interfering in matters within the internal jurisdiction of another State. No State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights and to secure from it advantages of any kind. Unilateral coercive measures are incompatible with the United Nations Charter. Only the Security Council can impose sanctions under Chapter VII of the Charter. Therefore, States shall refrain from imposing unilateral coercive measures, sanctions and financial blockades on other countries. When unilateral coercive measures cause widespread hunger and death, they may amount to crimes against humanity under article 7 of the Statute of the International Criminal Court.

Principle 22 stipulates: “everyone has the right to international solidarity as a human right.<sup>[14]</sup> Pursuant thereto States have the duty to cooperate with one another, irrespective of the differences in their political, economic and social systems, in order to maintain international peace and security and to promote international economic stability and progress. To this end, States are obliged to conduct their international relations in the economic, political, social, cultural, technical and trade fields in accordance with the principles of sovereign equality and non-intervention. States should promote a culture of dialogue and mediation.

The gradual implementation of these principles by all cultures and civilizations will enable us to gradually establish a democratic and equitable international order under the UN Charter. A multipolar world order without privileges or exceptionalism, without vestiges of imperialism and colonialism, is a necessary condition to reach this goal, and to achieve the Sustainable Development Goals by the year 2030. Alas, Western countries, in particular my own country of nationality, the United States of America, seem to be committed to war and huge military budgets, making the realization of the SDG’s ever more remote.

On 8 October 2021 the UN Human Rights Council focused on the sequels of colonialism, which also constitute a serious impediment to the realization of the SDG’s. In its Resolution 48/7 the Human Rights Council stressed “the utmost importance of eradicating colonialism and addressing the negative impact of the legacies of colonialism on the enjoyment of human rights”. The Chinese delegation at the Human Rights Council played a significant role in the adoption of this necessary resolution, that demands continued monitoring and follow-up. Today we still observe patterns of neo-colonial mindset and

practices and deplore the continued exploitation of the Global South by powerful countries and transnational corporations.

A world at peace is one based on international cooperation and solidarity. Let us recall the language of the preamble of the UNESCO constitution, which affirms the common belief “in the unrestricted pursuit of objective truth, and in the free exchange of ideas and knowledge”. The preamble goes on to affirm their determination “to develop and to increase the means of communication between their peoples and to employ these means for the purposes of mutual understanding and a truer and more perfect knowledge of each other’s lives.” More poignantly Article 6 stipulates “that since wars begin in the minds of men, it is in the minds of men that the defences of peace must be constructed.”

In this context China’s Belt and Road Initiative (One Belt, One Road) gives us hope of advancing international cooperation through peaceful activities conducted in international solidarity and serving the interests of all 151 participating countries. Although BRI has been maligned by some Western States, it gives me reason for hope and should be welcomed by all, because it pragmatically advances the letter and spirit of the UN Charter by furthering the right to development through the expansion of commercial and cultural exchanges. Indeed, trade is not war, but a golden opportunity to conduct mutually beneficial exchanges that further peace and understanding.

On 16 March 2023 a webinar hosted by AIDHDES and West-East Bridge at the margin of the 52nd session of the Human Rights Council was conducted on the issue of BRI and the SDG’s. This marked the tenth anniversary of the “One Belt, One Road” initiative, the implementation of which is advancing rapidly and helping participating countries exercise the right to development. At the webinar I threw light on the historical trend of economic globalization and emphasized the need for changes in the global governance system. The growing consensus is that the BRI converges with the values of the SDG’s, for instance sustainable water, poverty eradication, environment protection, affordable clean energy, education.

It is clear that shaping a community of human destiny requires the balancing of development and security at the international level. Participants at the webinar recognized that peaceful development is the greatest common denominator of the world. All peoples and cultures must join hands to eliminate futile confrontations and work in joint effort to achieve global prosperity and stability. We all rejoice in the richness and diversity of World Civilizations and commit to a just world order based on the UN Charter. My 25 Principles of International Order<sup>[15]</sup> are a contribution to this endeavour.

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[1] <https://www.un.org/en/observances/happiness-day>

[2] <https://www.un.org/millenniumgoals/>

[3] <https://www.un.org/sustainabledevelopment/>

[4] <https://www.ohchr.org/en/special-procedures/sr-unilateral-coercive-measures>

[5] <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

[6] [http://www.china.org.cn/world/Off\\_the\\_Wire/2023-03/05/content\\_85145956.htm](http://www.china.org.cn/world/Off_the_Wire/2023-03/05/content_85145956.htm)

<http://www.chinadaily.com.cn/a/202302/28/WS63fd5426a31057c47ebb12f8.html>

<https://theconversation.com/ukraine-beijings-peace-initiative-offers-glimpse-at-how-china-plans-to-win-the-war-200300>

[7] <https://www.vaticannews.va/en/vatican-city/news/2023-02/pope-francis-holy-see-dedicated-to-seeking-peace-in-ukraine.html>

[8] <https://time.com/6258071/brazil-lula-ukraine-war/>

[9] <https://www.reuters.com/world/mexican-president-previews-ukraine-peace-plan-after-criticizing-un-2022-09-12/>

[10] <https://sustainabledevelopment.un.org/content/documents/21252030%20Agenda%20for%20Sustainable%20Development%20web.pdf>

[11] <https://www.ohchr.org/en/special-procedures/ie-international-order/mr-livingstone-sewanyana>

[12] Clarity Press, Atlanta, Georgia 2021.

[13] It is not only the written law that must be applied, but also the broader principles of natural justice as already recognized in Sophocles' *Antigone*, affirming the unwritten laws of humanity, and the concept of a higher moral order that prohibits taking advantage of a weaker party as happens with "unequal treaties," which may be considered as economic neo-colonialism or neo-imperialism..

[14] <https://www.ohchr.org/en/special-procedures/ie-international-solidarity/about-international-solidarity-and-human-rights>

[15] <https://www.claritypress.com/product/building-a-just-world-order/>

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