

**Lecture Given by Prof. Dr. Ahmed Fathi Sorour
President of the People's Assembly of Egypt**

**On
Democracy and Human Rights: a Vision from Egypt**

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At the Washington University

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**Mr. Chairman,
Ladies and gentlemen,**

It is a pleasure for me to address you today on an important topic, which is Democracy and Human Rights from a developing country perspective and in light of my personal experience, which lasted for more than two decades in different capacities, mostly within the parliamentary arena.

There are three axes to my thoughts in this respect, the political, the cultural and finally the economic and developmental dimensions of both Democracy and Human Rights. I look forward to exchanging those thoughts with you. After all, dialogue is the essence of Democracy.

Allow me at the outset to emphasize that there can be no Democracy without Human Rights and vice versa. It is also important to note that the national and international dimensions of both Democracy and Human Rights are closely interrelated.

However, there is a major difference between Democracy and Human Rights. While Democracy is a political system that can adapt and vary in its formulations between different countries, Human Rights, as internationally recognized norms, constitute universal values of humanity at large.

Many conclusions should, in my view, be drawn from the preceding fact: Democracy, in any particular form, cannot be imposed. While Human Rights, as they are internationally agreed and recognized, should always be promoted and protected, through national collaboration with international mechanisms. The promotion of Democracy is primarily an internal matter for each society, as it caters for the developmental needs of peoples respectively. President GBAMA emphasized this concept in his speech addressed from Cairo University few months ago, by saying: No system of government can or should be imposed on one nation by another nation. Each nation gives life to this principle in its own way, grounded on the traditions of its own people.

Ladies and gentlemen,

There is another missing chapter of International Law which impacts on Democracy and Human Rights, a chapter that we have to urgently address or else face grave consequences. This is the chapter of the extra territorial impact of States' policies in so many areas such as environmental degradation, security, food security, peace and Human Rights.

The major problem in this respect is that Democracy and Human Rights at the national level also suffer from the lack of international environment conducive to the fulfillment of all rights to all peoples, communities and individuals without distinction. Again, to give you a very specific example from our region, an example with which we struggle since decades, at times without full understanding nor sufficient cooperation from major world powers. I mean the example of religious fundamentalism, which, inter alia, results from persisting conflicts and

severe chronic injustices for which I hope at least some of you would agree that the five permanent members of the United Nations Security Council do have special legal responsibilities in this regard. A conflict, which is not resolved by the Security Council, constitutes a failure of the collective security system. Such failure, when it lasts for decades, creates an environment conducive to violence and instability. Neither Democracy nor Human Rights can be enhanced in such an environment.

This is what fundamentally explains, at least to a large degree, the current dilemma on the Palestinian front. What is important is that if we are honest in reading recent history and identifying causal links, one should accept the conclusion that the failure of the Security Council to live up to its responsibilities under chapter 7 of the UN Charter for many decades is a major factor that leads us to the current division among Palestinians, violence and fundamentalism in the Middle East. I would immediately concede that there are also national and regional factors involved, but have we ever honestly analyzed what are the most fundamental causes of the continued deprivation of the fundamental rights of the Palestinian people since more than fifty years ago?

Egypt is striving, since Hamas came to power, to bridge gaps between two main Palestinian movement trends and policies. We have not forgotten that the Palestinian democratic institutions are functioning for less than fifty years under occupation, during which there were very serious grounds to claim that war crimes and crimes against humanity had been committed. You must all have followed the most recent report by Judge Goldstone with respect to the war on Gaza.

May I address some questions to all of you? Questions that are rather very basic and fundamental, but yet not seriously addressed, or at least not sufficiently addressed: can democracy function in such context? The Palestinian institutions have been recognized as democratic, including through international supervision over numerous electoral processes, now, do we really think that any democratic institution can sustain such pressure? If yes, for how long? Does this situation in Palestine impact on democracy, society and institutions in the neighboring Middle East countries or are these countries immune against such violence and radicalization?

For the same reasons, I could ask the same questions about the situation in Iraq. Did the international military action to restore Democracy help promote Democracy in Iraq? I am not asking whose fault was it and not even asking whether the military action was legal or not, I am just asking did it help promote Democracy. And, again, I would ask the same question as with respect to Palestine, did current polarization, fragility, divisions and violence in Iraq impact negatively on the emerging democratic institutions in other countries of the Middle East? Or, do these countries live on another planet?

Another related question is of direct relevance and interest to you as American academics; what was the impact of all of the above on American interests, role and profile in the world at large? If your answer is that the above have affected negatively the American interests and image, then we all agree that we need more sincere efforts to endeavor to correct this detrimental outcome to help achieve peace in the Middle East.

This reminds me of President Obama's speech to the entire Muslim world from Cairo University few months ago. We, as Muslims worldwide, were all impressed by the

depth of analysis, honesty of diagnosis and courage marking the propositions that President Obama formulated in his historic speech. Now is the time to transform this vision, with which we fully agree, into policies and actions. We stress his statement "So let there be no doubt: the situation of the Palestinian people is intolerable. America will not turn its back on the Palestinian legitimate aspiration for dignity, opportunity and a state of their own."

Ladies and Gentlemen,

Let me start by stating how amazing it is that despite the avalanche of data and information to which access and exchange has been enormously facilitated by communication technology, yet, so many peoples in the world know very little about each other's cultures and respective value systems. Even more amazing is the fact that very often, politicians seem not to be as sufficiently culturally equipped to interact successfully and respectfully in an increasingly globalised world and in a growing state of multicultural societies at the national level.

It is paradox that we know much more about each other, and yet we still understand each other much less. Where is this contradiction emanating from? And, how can we fill that gap of cultural misunderstanding that fuels the self-fulfilling prophecy of Clash of Civilizations?

If we consider human rights as defined in the Universal Declaration and other international instruments, we shall find that the ideas included therein are the outcome of human thought throughout history. They have developed and flourished thanks to the contribution of various cultures, and they now constitute an integral part of the cultural texture of many nations.

Ladies and Gentlemen,

This issue deals with the discovery of our heritage and values in the light of contemporary concepts of human rights, in order to restore what I may call the "cultural legitimacy" of human rights' principles in our Arab and Islamic societies, with a view to establishing solid mechanisms for the protection of this legitimacy.

This cultural legitimacy alone cannot replace the positivist legal legitimacy, since the latter translates cultural legitimacy into binding legal rules. Individuals enjoy these rights and freedoms according to the will of the constitutional legislator, and not on the basis of the doctrine of natural law citing that natural rights precede positivist laws.

In fact, "legal legitimacy" is much easier to obtain and ascertain than "cultural legitimacy", since the mere ratification of a treaty or the promulgation of legislation, is quite sufficient to make its content binding from the legal point of view. Conversely, the general feeling in a country that a given principle is legitimate in the light of certain cultural and historic values is quite another matter, much more serious and complex.

May I remind you that Lord Radcliff from the United States advised that "we cannot learn law by learning law". Law must be "part of history, part of economics and sociology, part of ethics and a philosophy of life."

Our cultural heritage abounds in precedents and principles in the field of human rights, even though the terms used in the past differ from those used nowadays. But terms, in the final analysis, express concepts and ideas, and what really matters, according to legists, is the content not the form.

We have to refer with respect to what President Obama declared in Cairo: "And throughout history, Islam has demonstrated, through words and deeds, the possibilities of religious tolerance and racial equality that human rights concepts in it are much more advanced."

It is not that easy to be culturally sensitive. One needs to be cultured in the first place, and to be respectful of others. This does not seem to be an easy goal to achieve. Regardless of many achievements we seem to have realized in modern times, humanity appears to remain as poor as it its history indicates with respect to the primacy of equality and human dignity that should rise above any other consideration.

To be fair and objective, I have to register with respect and even admiration, the huge effort deployed by the current American administration to reverse negative trends and to assume a new leadership of the United States of America in today's world. The wise words and the human vision of President Obama when he said: "I consider it part of my responsibility as the President of the United States to fight against negative stereotypes of Islam wherever they appear", can also be translated into concrete action at the international level in a rather timely manner despite the US annotated national agenda of priority issues. A concrete example is the most recent American-Egyptian initiative launched through the resolution of the Human Rights Council of the United Nations in October 2009, which is aimed at creating a common middle ground and regional cooperation, ensuring respect for cultural diversity and freedom of opinion, bringing back the longstanding consensus on difficult issues and promoting all other human rights.

Regardless of the substance , what I would like to convey here is that we can work together as there is still much to be desired if we have the clarity of mind , creative thinking and, above all, political determination to make Democracy and Human Rights our genuine collective heritage that applies to all without distinction.

Ladies and gentlemen,

Let me turn now to the third pillar – dimension of economics and development - of both Democracy and Human Rights.

Hope for world countries to integrate into globalization was the recipe for the international community parties to reap its fruit and gain its benefits on the basis of equality and justice. However, globalization benefits, as a matter of fact, were exclusively the share of developed countries, markedly with failure to save 70% of world population from poverty, ignorance and unemployment, all considered to be basic human rights.

World trade liberalization negotiations within the framework of the WTO is the best example in this concern, where major states are negotiating on means of maximizing benefit in all files.

Moreover, within the framework of TRIPS, major states are always using intellectual property rights as a pretext in connection with the supply of low-priced medicines for treatment of epidemics, primarily HIV in the African continent.

Finally there is the world food crisis believed to be mainly caused by exploitation of cereal crops in the production of bio-fuels, thus aggravating famine especially in African

countries rated as the most poverty-stricken as well as by default on reaching fair agreement within a WTO framework on the liberalization of the agricultural sector ensuring the interests of all parties.

Further obligations of developed countries towards developing countries are not totally met to fulfill the right of the latter's peoples to development.

Moreover, there is the current financial crisis, which in my view, is considered the weakest point of the international community's response. Although this crisis started in the developed countries, its impact on developing countries is not less worrying and could even be more disastrous. It is therefore in the interest of the whole world that we conduct an honest assessment through lessons learned from this crisis. Indeed, unless we analyze this crisis correctly, we might face it again in even worst proportions and consequences.

In June 2009, a United Nations Conference was held at the General Assembly on the World Financial and Economic Crisis. The statement of the United Nations Independent Expert on the Effects and other related international financial obligations of States that international cooperation for development and thus the realization of economic, social and cultural rights is an obligation of all states and that it is particularly incumbent upon those states which are in a position to assist others. He welcomed the attention paid to the particular needs of developing countries according to the April 2009 G20 Communiqué. He testified to the fact that the principle of the indivisibility of all human rights is still far from being respected. Indeed, there is a fundamental problem of coherence between two bodies of international law; the WTO and the Human Rights Council, as representing the international trade law on one hand and the international

human rights law on the other hand. These two legal regimes have never been conceived as a coherent whole.

The economic and developmental dimension unfolds the imbalance in the issue of democracy and human rights at the level of international relations. Democracy should be ensured at the world level of political and economic decision-making. Moreover, respect of human rights could not fully materialize without respect for the right to development.

Ladies and gentlemen,

Immigration is another important issue that lies at the cross roads of Democracy, Human Rights and economic development. Globalization and economic difficulties, especially in developing countries, increases the numbers of migrants, in both legal and illegal forms of migration, from developing to developed countries.

Immigration raises fundamental issues relevant to Democracy and Human Rights. The integration of migrants into their new societies is a challenge. The vulnerability of migrants is precisely aggravated by the lack of universal adherence to one of the main core conventions on human rights, which is the United Nations Convention on the Rights of Migrant Workers and Members of their Families. Unfortunately, western countries, recipients of migrant workers, do not accept to ratify this major Human Rights Convention that applies to millions of migrant workers all over the world. Only developing countries acceded to this Convention. Egypt was among the first countries that ratified it because we believe that migrant rights are human rights and because we believe that all human rights are indivisible, interrelated, and should be treated with equal emphasis and receive

the same attention by member states individually and collectively.

Ladies and Gentlemen,

Hoping to have covered the widest possible spectrum of the interaction between Democracy and Human Rights, at both National and International levels – a vision from Egypt - I would like to thank the organizers for this opportunity to address your distinguished gathering and I look forward to a constructive exchange of views with all of you.