

**Keynote Address by the new British High Commissioner to the Maldives, HE Dominick Chilcott, on “Democracy and Human Rights”, delivered at the “Forum on Democratic Values” convened by the Open Society Association on Monday, 22 May 2006**

**Democracy and Human Rights**

Your Excellencies, ladies and gentlemen.

Today has been a most important day for my wife Jane and for me. This morning I presented my letters of credence to His Excellency, President Gayoom. I glad to say that the president graciously accepted them and, with that act, I became the British High Commissioner to the Republic of Maldives.

I am very proud to hold this position. Unfortunately, as you all know, this is a non-residential position, that is to say, Britain does not maintain a High Commission office here, nor do we have staff based here. That is not likely to change in the foreseeable future.

But I make this pledge to the people of Maldives. You may be out of our sight at certain times of the year, but you and your country will not be out of mind. There are important and exciting developments in train in Maldives. We shall continue to follow them closely and give the reform process, initiated by President Gayoom, what support and encouragement we can.

Every morning in the High Commission in Colombo we have a short meeting to review the latest political developments. Maldives is a fixed item on our agenda. And we shall continue the practice whereby the main task of one member of the political staff of the High Commission will be to work on our relations with and the issues involving this country.

As you know, for the last three and a half years that fortunate fellow has been Colin Hicks. Colin has done sterling work on Maldives for the British Government. Colin and his wife Sarah are due to finish their posting in July. We shall miss them, as I am sure will many people in these islands. We wish them the very best for the return to the UK.

Your Excellencies, ladies and gentlemen,

I was delighted to accept your Excellency's invitation to say a few words this evening on the subject of democracy and the values of democracy.

Democracy is a very noble, perhaps the most noble, aspect of the human condition. Great statesmen and women have written and spoken about democracy in more profound terms than I can. For example, who could fail to be moved by the writings of campaigners like Theodore Parker who said in Boston in the mid-19<sup>th</sup> century:

“For there is the democratic idea that all men are endowed by their creator with certain natural rights; that they are equal as men; and therefore government is to be of all of the people, by all the people, and for all the people.”

Or Woodrow Wilson who said, in the early part of the 20<sup>th</sup> century:

“The beauty of democracy is that you never can tell when a youngster is born what he is going to do with you, and that, no matter how humbly he is born he has got a chance to master the minds and lead the imaginations of the whole country...I believe in democracy because it releases the energies of every human being.”

More mundanely, ordinary people discuss politics and political systems at great length in cafes, in the columns of newspapers, on radio and television as well as in parliaments and assemblies all over the world.

Britain is no exception. And there remains much to be discussed. Our political system is in a state of constant renewal and evolution. The present government in Britain has introduced far-reaching changes. Perhaps the most dramatic has been to devolve considerable legislative power to the Scots and Welsh, through the re-establishment of the Scottish Parliament and the creation of a Welsh assembly.

But there are other ways where our democratic system is being modified. There is a big debate in Britain right now over the best way to protect society from terrorism, for example by increasing the number of days a terrorist suspect can be detained without charge, and whether that can be done without eroding the individual civil liberties that people have enjoyed for many years.

These are crucial issues that go to the core of the kind of society we Britons wish to live in. They provoke strong emotions and fierce argument. That is how it should be. Eventually, parliament legislates and the law of the land changes. But the debate goes on and doubtless further changes will be made in future.

I mention this for two reasons. First, no state has yet reached a perfect form of democracy. All democracies continue to ask questions about themselves. All democracies can be improved; all need to change to keep up with a changing world. We are all adapting, in big or small ways, our political systems. No one model fits all countries or all societies; no one model fits any country or society for all time. We all need to be open to change, whether we are at the start of a process of democratic reform, in the middle of one or have been an established democracy for many years.

Second, lively debate, strong argument and even the exchange of fiercely held opposing views can be the essence of the democratic spirit, provided there is an underpinning culture of tolerance and respect for different opinions. Argument and debate are the very stuff of the process which allows us to modify and reform our systems. They do not endanger the process of change. On the contrary, such debate is necessary to arrive at the broadest measure of support for change. Indeed, freedom of speech is one of the most important features of democracy but I shall return to this issue a bit later on.

For I am getting ahead of myself. I ought to set out why I feel qualified to speak on the subject of democracy to this audience. And what are the reasons for making me cautious about applying any of the lessons of my speech to Maldives. There are three of the former qualifications and two of the latter reasons for caution.

The first reason I am comfortable with talking about democracy is that I have spent seven of the last eight years helping the countries of central Europe transform themselves. Before the fall of the Berlin wall in 1989 and the end of the dominance of the Soviet Union in central Europe, these countries – Poland, the Baltic states, Hungary, Czechoslovakia (as it was) and others - had rigid one party political systems; dissenting views were not tolerated and fundamental human rights were in jeopardy. Their command economies literally failed to deliver the goods.

After 1989, the countries of this region of Europe saw the opportunity for reform. I don't think they quite knew, at the beginning, quite how deep that reform would go. Quite how strongly the vested interests of the old regimes would oppose it. And quite how difficult it would be to accomplish reform. But they wanted very much to be accepted as member states of the European Union. And they wanted political systems that shared the same values as the European Union's because they could see the benefits and advantages of life in the EU.

As you know, this story has a very happy ending. Thanks to the advice and guidance of the European Union, to its generosity and world vision in keeping open its doors to new members,

provided they met the standards, and mainly thanks to the incredible efforts of the peoples of those central European countries themselves, ten new member states were able to join the EU, as fully functioning democracies, on 1 May 2004. When Romania and Bulgaria join at the beginning of next year, it will be a further huge step forward for Europe, which will have seen the biggest peaceful transformation and reform of any part of the world, ever in history. I see His Excellency the Turkish Ambassador here this evening. One of the proudest achievements of our recent EU presidency was to start negotiations for membership of the EU with Turkey. I am confident that negotiations will also ultimately be crowned with success.

Of course, central and south-eastern Europe and the Republic of Maldives are many thousands of miles apart and conditions here are in so many ways different from there, so one must be cautious about drawing close parallels. But I believe there must be elements of the European story that are pertinent in Maldives. I hope I can draw on my experience of promoting and encouraging change in Europe to support President Gayoom's democratic reforms here.

My second qualification for talking about democracy is also work related. The very last big question I dealt with in London, before coming to this part of the world, was successfully to draw to a conclusion negotiations with the Gibraltar government on a new, reformed constitution for Gibraltar. Those negotiations had lasted the best part of two years. That new constitution was designed to give the people of Gibraltar the maximum amount of self-government and democracy that was consistent with their sovereignty remaining British, which I should add is in accordance with the wishes of the people of Gibraltar. So I have some experience of reforming constitutions in a democratic direction.

Thirdly, growing up, living and working in one of the world's longest established democracies means, I believe, that democratic values and systems are second nature to British people. Actually, most Britons take a great deal for granted and do not give enough thought to the democratic system we live under. But we can all talk about what we know, and if you are British, the politics in the country you know best are democratic politics.

Having given three qualifications for speaking about democracy, let me give you two reasons to hesitate about speaking about democracy in Maldives.

First, this is my visit to your country. It would be very presumptuous on a first visit to claim to know the answers – or even to know the questions. Caution, at least for now, should be the better part of valour.

Second, quite radical changes are in train in Maldives and although the pace of change is not constant, when change happens it can happen quickly. I have read a number of reports on the situation here that have acknowledged how much has changed since the evidence for the reports was gathered. It is a good thing that so much reform is in the air, although it is another reason for an inexperienced outside speaker to be cautious about applying his remarks to Maldives.

So these remarks about democracy are not going to be country specific, except in so far as they refer to Britain or to Europe. They are not pointed remarks about your country. You will know much better than I will whether the observations in this speech are pertinent and have relevance in Maldives or not.

Your Excellencies, ladies and gentlemen,

Democracy is so much more than the business of voting in elections, even though elections are perhaps the most vivid example of democracy in action.

Democratic societies are essentially societies of values – in other words you should judge whether a society is democratic or not by the values according to which people live their daily lives and according to which they are governed. Those values should give individuals the highest

possible amount of freedom consistent with the needs of society as a whole. And those freedoms should be enjoyed in a culture of mutual respect and tolerance of differences, underpinned by the rule of law.

Those values have to be experienced in daily life. Countries may have the right democratic values enshrined in their constitutions or legal systems but have governments and judicial systems that in practice deny people the exercise of their rights. So paper values are not enough. The judgment of whether a society is democratic must be made on how those values are translated and implemented into people's lives.

You will have guessed, by now, that I am essentially talking about fundamental rights. I want this evening to highlight only one such right: freedom of expression.

I spoke earlier of the lively and sometimes fierce debate we have in the UK on political issues. Perhaps some of you will have seen the political theatre of Prime Minister's questions in the House of Commons. You may be familiar with British politics through the BBC or from first hand experience.

For those of you not used to the style of British politics, let me quote from the Guardian newspaper of 9 May. "The government is in a state of civil war which can only be ended by Tony Blair's resignation, David Cameron said yesterday. I think the sooner he goes the better, because I don't see how his authority can recover", the Tory leader said at a press conference at party headquarters.

That sort of personal attack on the PM by the leader of the opposition is not considered in the least offensive, nor out of order. But it is a striking example of the way our democratic system tolerates a wide range of views. Not all views are accepted, however. Views that incite violence or promote racial or religious hatred are not tolerated. Indeed, you could say that the only thing we won't tolerate is intolerance. But with that exception, there is wide scope for different opinions.

There are no subjects that I can think of that lie outside the possibilities of debate. The question of whether it was right to go to war in Iraq has been a charged and contested issue in our politics for more than three years. And arguably there is no more important matter for government than war or peace. The extent to which our individual, civil liberties should be constrained to protect society from the threat of terrorism is another topical issue, which I mentioned earlier. In the context of that debate, I should add the former Liberal Democrat Leader Charles Kennedy, said Mr Blair had "to learn to build cross-party consensus or he would increasingly look like a lame duck PM". Whether Britain should continue to have a monarchy or become a republic, whether there should be regional devolution in England, similar to that enjoyed in Wales and Scotland, whether indeed Scotland might one day become an independent country, whether Britain should remain a member state of the European Union – debate on these big constitutional questions ebbs and flows and will never, I suspect, go away.

On these questions and on many more mundane issues – such as what is the right level of taxation, or the best way to deliver a national health service, or how to improve our transport infrastructure, to give just a few examples – on such questions the expectation is that opposition political parties will oppose much of what the government proposes.

Indeed, it is the role of opposition parties to hold the government to account. They must seek to expose the government's actions and proposals to the brightest light of examination and to the severest forensic questioning. Their duty is to take a different view. To put it bluntly, their duty is to dissent.

Without the opposition playing this role, our democracy would be unrecognisable. Indeed, when the opposition is divided and weakened, as happens from time to time, commentators and

ordinary people worry that the quality of our governance is impaired by not having an opposition capable of playing its customary critical role effectively enough.

For we believe that having to defend government policies in the face of robust questioning from the opposition helps to deliver better government policies. And that British society benefits accordingly.

The main party, not in government, that performs this questioning, critical role is sometimes called the 'loyal opposition'. This is a good description because it captures the difference between being loyal to the constitutional system in the UK while opposing the policies of the government. And it also captures the idea that the opposition must behave responsibly in mounting their opposition. The two concepts of being loyal and being in opposition are not incompatible. On the contrary, loyalty to our democratic system and its values are a condition of the opposition being able to operate.

Political opponents and dissenters who attack the government are therefore not seen as acting in any way treacherously. Similarly, opponents of the government are not thought of as enemies. They are opposition politicians, opposing the government within the system. Far from being enemies or traitors, they are seen as conforming to their constitutional duty to oppose. British political life would be much, much poorer without the concept of loyal opposition.

The responsible exercise of opposition to the government is not, of course, confined to political parties. Civil society, by which I mean the thousands of organisations freely established by individuals outside of the remit of government, also holds government to account for its actions. It is not the duty of civil society to oppose the government. But it is expected that civil society will speak up for those values and opinions it promotes and they may or may not argue with government policy. So important is a healthy, independent civil society to our idea of democracy that arguably the freedom of association is as crucial a right in a democratic society as is freedom of speech.

And it goes almost without saying that within civil society, the media has a great responsibility, which goes with its great influence and significance in a democracy.

Each person should have the right and space to put forward his or her point of view. They may be talking complete rubbish. Or they may be saying something which is distasteful. But provided they do not cross the boundaries that outlaw incitement to violence, or hatred they are able to be heard.

Of course, if in attacking other people they tell untruths about them and defame their characters, they can expect to be taken to court. People should have the ability to defend themselves, under the law, if they have been libeled or slandered. But in Britain, these are matters, not for the criminal law, but for civil law.

Let me finish this passage on the importance of freedom of expression by quoting Voltaire, I think it was, who said to a political opponent: 'I disagree strongly with everything you have said, but I would be ready to die so that you should have the right to say it.'

Your Excellencies, ladies and gentlemen,

We all know that when we build a house we have to start with the foundations. We cannot expect our houses to last without a firm foundation.

The house of democracy is build on a foundation, and that foundation is called the rule of law. This was one of the most important lessons of the transformation of the central European countries from totalitarianism to democracy. The sooner their judicial systems were reformed to

deliver the objective rule of law, with judges able to act without being under pressure from government, the easier it was for other aspects of democratic reform to be put in place.

There are several keys to getting the rule of law established. Clearly, you need to have the right rules. That is the relatively easy bit. You need to have judges with the right training; this takes longer inevitably as quite often you are having to change the legal mindsets and culture of the old system. Most importantly, perhaps, the judiciary must be genuinely independent.

In a democratic society, the independence of the judiciary is rooted in the separation of powers. The judiciary as an institution and judges as individuals must have the exclusive power to decide cases before them. The right to trial by an independent and impartial tribunal is so basic that the UN Human Rights Committee in 1992 called it 'an absolute right that can suffer no exception'.

In central European countries, before 1989, it was common to find that courts, including the highest courts, were bound by the government's interpretation of the law. Not all judges were impartial. Indeed they were often inclined to support the government or the state authorities even against the weight of evidence presented. This was not at all surprising given that the judges could apparently be removed at the whim of the government.

In one central European country, naming no names, a minister explained to me that his major problem with reforming the judiciary was that the judges had got so used to receiving their instructions from the government as to what verdict to give that they felt unconfident and uncertain about what judgments to reach without that guidance. Clearly a lot of retraining was called for in that case.

I hope you will agree that the independence of the judiciary is fundamental to society's having confidence that the law will be fairly applied to all.

Why does that matter in a democratic society? Let me give a theoretical answer, not about any particular country.

Fair application of the rule of law is fundamental because it guarantees citizens the ability to exercise their rights. I have dwelt at length on the right to freedom of speech and the important role that plays in a democratic society. That right can only be guaranteed for individuals if it is enshrined in law and if the judiciary can be relied upon to uphold that right for individuals, no matter what pressure there may be from government or from state authorities to act against those individuals. Indeed, in a democratic society, the judiciary should set themselves as the defenders of individual freedoms against encroachment of the state every bit as much as, if not more than, the enforcement mechanism that deals with breaches of the law of individuals.

Of course, the same applies to other rights and in other circumstances. But ultimately, if we wish to live in a society where our behaviour is governed by rules, arrived at through the democratic legislative process, we need to have an independent judicial system to see that those rules are applied fairly and equally to the weak and to the strong, to government and to opposition.

So those are my thoughts on two aspects of democratic life. I draw my inspiration for those thoughts not, as I say, from experience in Maldives, of which I have very little, but of my experience in previous jobs, working with other countries. Whether that experience is relevant here is for others to say.

As for Maldives, many visitors comment on the warm welcome they are given and the open and cooperative exchanges they have with the government and authorities here on sensitive questions concerning your democratic reforms. I have seen this for myself today. It is this openness to the experience of others which partly accounts for the confidence respected international bodies have that, whatever the trials and tribulations along the way, Maldives is set on a path that will lead to the achievement of a liberal democratic society, in which all are equal

before the law and in which all enjoy the same rights, in a climate of mutual respect and tolerance.

Those values that underpin our democratic way of life are very dear to us in Britain. They sometimes mean we have to put up with a lot of noise and fuss, sometimes of an unpleasant nature. But in the end, the protection of individual human rights and the wider stability and prosperity that democracy brings means it is worth it.

As Winston Churchill said: 'Democracy is the worst political system in the world, apart from all the other ones'.

Thank you.