

CHAPTER IV

Democratic Development and Human Rights

ENCOURAGING SIGNS . . .

Celebration over the demise of Communism in the former Soviet Union has been relatively short-lived. The reason is simple; the new republics have become grimly aware of the enormous challenges they face in developing and sustaining institutions of democracy and civil society as well as conforming to internationally-accepted standards of human rights. The road ahead, to be sure, is fraught with danger.

At first glance, however, the republics have made tremendous strides. According to most experts, there has been a genuine commitment to human rights, democracy and the rule of law in the new states.³⁸ Article two of the declaration of the Commonwealth of Independent States stipulates that the republics will guarantee “equal rights and freedoms” of all peoples living within their borders “in accordance with common international norms on human rights.”³⁹ Individual republics have taken or are in the midst of taking legal steps to entrench these rights, and at least six of them have formed parliamentary human rights committees. The new states, which have all been admitted to the Conference on Security and Cooperation in Europe (CSCE), have also confirmed their commitment to the goals and principles of the United Nations Charter, the Helsinki Final Act and other human rights declarations of the CSCE.

. . . BUT NO GUARANTEES

A consensus, therefore, has apparently developed in the former Soviet Union concerning the legitimacy of liberal democracy. Its viability is less certain for the roots of democracy there are extremely shallow. Soviet “democracy” was a sham and that of the Russian Tsars no better. Despite breakthroughs under Mikhail Gorbachev, democracy is essentially an imported concept. Professor Neil McFarlane told the Committee that:

With some exceptions, the societies of the former Soviet Union are not particularly promising terrain for the construction of democratic policies characterized by serious protection of human rights. There is no tradition of constitutional protection of human rights in the former Soviet Union, no habit of respect for the rights of others to oppose, no habit of orderly transition of power from government to opposition, no tradition of respect for the boundaries between the state and the individual, no tradition of the rule of law. In other words, there is little political-cultural basis as yet for democratic development. It will take time in the best of circumstances for one to develop.⁴⁰

The rapid and unexpected genesis of many of the new republics has made the transition to democracy all the more difficult. The dissolution of the old Soviet Union has been extremely swift, leaving little time for the gradual development of democratic ideas and institutions. While the old

³⁸ See *Report of the CSCE Rapporteur Mission to Ukraine, Moldova and Belarus 8-16 March 1992*, Department of External Affairs; see also testimony of expert witnesses before the Committee, Proceedings, 24:8 and 31:5.

³⁹ *Human Rights Watch World Report 1992*, p. 33.

⁴⁰ *Proceedings*, 24:4.