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UNITED NATIONS HUMAN RIGHTS CENTRE

SEMINARS ON DEMOCRACY & HUMAN RIGHTS

MASERU, LESOTHO, 19-20 JANUARY 1993

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Justice Michael Kirby*

Australia

ULTIMATE QUESTIONS & THE HUMAN CONDITION

We live in a time of global economic forces with universal technological changes.

The writer-philosopher-politician Vaclav Havel, President of the Czech and Slovak Republic, has cautioned against perceiving economic (and one could say technological) achievements as ends in themselves. Havel points out that these advances are but means to an end of human values. Even dictators can make trains run on time. Dictators can build magnificent highways and sometimes provide sufficient telephones: all efficiently susceptible to official interception. Thus economic progress and technological excellence must ultimately be evaluated as they contribute to human rights and individual dignity. In the words of the Founders of the American Republic: to "life, liberty and the pursuit of happiness".[1]

Perceptions of democracy and fundamental rights will necessarily differ from one society to another. Each one of us is a human being first; a citizen of our respective countries second;

and a person with special skills, fourth or fifth.

We should respect the sovereign rights of our governments to determine the directions of political, economic and social life at home. But it behoves us, on the brink of a new millennium and of important developments in Lesotho and in Africa, to spend at least a few minutes reflecting upon good government and social responsibility. These, after all, are amongst the important human objectives to which, it may be hoped, the global changes to democracy will contribute. They are clearly an objective in Lesotho's move to democracy.

WHAT IS GOOD GOVERNMENT?

Many of the countries of Africa share a concern about the vicious cycle of under-development. Lesotho is no exception. The features of that cycle include illiteracy, high population growth, malnutrition, poverty, environmental degradation and economic exploitation.[2] Some of the countries of the continent have begun to escape the thrall of under-development. Essentially, the escape will be achieved by the injection of technological ideas, borrowed from other countries. With those importations came cultural ideas of one sort or another.

Japan took its mighty leap after the 1850s. So spectacular was the material transformation which followed the end of the feudal period and the advent of the modern period in Japan that it prompts the obvious hope of many other societies, including in Africa, that they can go the same way. Some are certainly already upon the same path. But recent analysis has suggested that part, at least, of the success of the Japanese "miracle" has been the absence of any dichotomy between technology and culture, or the lack of divergence between invention and social utility.[3] We talk about "user friendly technology". Observers have now said that the good fortune

of the Japanese people is that they could be described as "technology-friendly users". They were quick to adapt to electronic developments in the home, office, schoolroom and subway. It should not be assumed, without proof, that the same fertile cultural soil will exist uniformly throughout Africa, or elsewhere throughout the world for that matter.

In a policy statement on development cooperation in the last decade of this century, the Development Assistance Committee with the Organisation for Economic Co-Operation and Development (OECD) sought to identify the objectives to be attained as essential to underpin any system of good government. These objectives were stated[4] to be promotion of sustainable economic growth; the provision of broader participation of all the people in productive processes and a more equitable sharing of their benefits; and the guarantee of environmental sustainability with a slowing of population growth taken to be preconditions of the former.

These ideas can be separated neatly for an international report. But in reality, obviously, they are closely inter-connected. Without broad participation and equitable sharing, it is unlikely that there will be economic growth. Without the slowing of population growth, economic growth will be stunted up by burgeoning populations.

Self-evidently, the pre-conditions to the foregoing objectives include a better educated and better informed society with control over its own destiny. This is why the OECD report stresses the growing appreciation of:

> *"The vital connection ... between open, democratic and accountable political systems, individual rights and the effective and equitable operation of economic systems. Participatory democracy implies more democracy, a greater role for local organisations and self-government, respect of human rights, including effective and accessible legal systems, competitive markets and dynamic private*

enterprise."[5]

In June 1991, an OECD Ministerial Council called for cooperative effort but at a price of the reduction of "excessive military expenditures"; the slowing of population growth; the provision of environmental sustainability; and the promotion of:

> *"... human rights, democratisation, open and accountable government institutions and the rule of law."*[6]

Also in 1991, a high level meeting of the Development Assistance Committee concluded, in similar terms, about the preconditions of encouraging democratisation and respect of human rights.

These repeated assertions of the pre-conditions of democracy not simply for aid but for true economic development have led, necessarily, to questions about what democracy involves. There are many, including in developed countries, who are sceptical about the features of democracy as it is now practised. One has only to view with astonishment the course of the recent election campaign in the United States to see the imperfections of "democracy" in that country. The principal candidates did not appear to be the most talented people in that talented country. The cost of running for President amounts to millions of dollars. It is beyond the potentiality of all but a handful of individuals. The media of communications dominated and trivialized the debates. Conflict about issues and national directions become debased in trivia about personal affairs, jokes and name-calling. In my own country, many of these defects of "democracy", as it is now practised, are also evident. They have led to a substantial public disillusionment with the political process. We are all living through a period of political cynicism.

So what do we mean by good government? An expert, Mr Raymond

Gastil, told the OECD that the minimum characteristics of a society which was well governed were:[7]

> "1. *An educated and informed populace, able to understand and participate effectively in the consideration of political issues;*
>
> 2. *A pluralistic society that allows varying interests to be represented effectively by non-governmental organisations;*
>
> 3. *A society with free, open and effective information media that are able to act as a basis for public discussion and as a check on the arbitrariness of government and other powerful forces;*
>
> 4. *A relatively tolerant society in which both leaders and followers are able to accept and appreciate those who differ from them ideologically or in other ways, and in which political opposition is not seen as treasonous;*
>
> 5. *A government whose nature, composition and general policies are determined by elections or other means that allow for peaceful transfer of power from one group to another when the people so decide;*
>
> 6. *An effective government able to draft and administer legislation and services relevant to the needs of the people; and*
>
> 7. *A legal structure able to roughly guarantee equality before the law and to provide a predictable framework for private and public decision-making."*

Clearly, the more that information about society and the world is shared, the less easy is it for authoritarian régimes to control the minds, and hence the conduct, of their people. The better educated and informed the populace, the more likely is it to demand control over its own affairs and to reject the notion that self-appointed individuals, adhering to an unquestionable dogma, know best. The more free and open are the information media, the more likely is it that a pluralistic society will emerge, respectful of the views of others. The longer a system of peaceful change of government at the ballot box is in place, the more unthinkable is the coup or the illegal usurpation of power by those with the guns.

The more heedful to the opinions of minorities, the more willing will such groups be to work within the legal system for accommodations which reflect majority will but also respect minority rights.

In this sense, all of the features of democracy and good government which have been listed are inter-connected. It is ironical but true that the *essential* feature of a modern democracy, as it works in practice, is respect for *minorities*. The oppressive insistence upon the transient views of majorities is a tyranny which undermines the legitimacy of that form of government. Peaceful co-existence within the one polity depends upon a willingness to accept, and seek to accommodate, the wishes of minorities. And that is where our technology comes in because a lack of respect for minorities is generally bred in ignorance. Ignorance is shielded from the knowledge of communication.

Technology can go part of the way in breaking down the barrier of that shield of ignorance. It can link individuals and peoples both by the media of telecommunications (radio and television) and by other forms of information technology (notably telephonic, telefacsimile and inter-active computers). Of course, technology cannot do everything. It is scarcely likely that a poor villager in Somalia, or Lesotho for that matter, will telephone a citizen of Australia having a barbecue by the pool, to break down the tensions between peoples. Even if the technology were available, there would be too many barriers of culture, cost, language and commonality of thought and interest to make the connection useful. Indeed, one feature of recent development in media communications has been the use of local broadcasts in particular dialects or languages to whip up historical hatreds with passionate messages which instantaneously reach large and susceptible audiences: ready respondents to ancient ideas of enmity. In the closed world of the language of a particular

dialect, the information technology miracle may actually promote uncompromising conflict rather than facilitate the building of a democratic society and peaceful relations between peoples.

For all that, the general tendency of the new information technology and telecommunications is to spread information more widely. The contents of the messages which are spread are another matter. But the technology itself is overwhelmingly a potential liberator. It can bring educational messages which will help to free communities and individuals from isolation, ignorance and the features of under-development which have held back the quality of life of millions of people, including in Africa. That is doubtless why, the Secretary-General of the International Telecommunications Union (Mr Pekka Tarjanne) has called telecommunications the bridge to the 21st century.[8] In June 1992, Mr Tarjanne declared:

> *"From its very beginning, the telecommunications industry has been closely associated with certain values - most notably freedom of expression, reciprocity between individuals and universality of access. These values are at the core of the liberal-democratic economic and political institutions to which people now everywhere aspire ... The fundamental problem, as I see it, is at the very moment when telecommunications technology has given us the capacity to realise the ideals of universal access and reciprocal freedom ... changes in the industry and its environment are threatening the patterns of partnership and the traditions of co-operation which underpinned past policies for achieving these goals."*[9]

The Secretary-General finished his speech with a call to idealism:

> *"I have suggested to my colleagues that the Universal Declaration of Human Rights should be amended to recognise the right to communicate as a fundamental human right. If we keep this goal firmly in sight, it seems to me that it will be easier ... to first design, and then to build, the bridges that are needed to transport us to the 21st century, so that we can begin to make real the vision of the information society as a society of universal prosperity, harmony and justice."*[10]

These worthy objectives of universal prosperity, harmony and

justice may be achieved in the next century. They may be stimulated by information technology. Certainly, the potential is there. If we are wise enough, the end of the Cold War should release expenditures which have been wasted in military hardware and threatening nuclear weaponry to the benefit of economic, social and individual development throughout the world, including in Africa. But already we are seeing the warning signs of negative developments. The lid of Pandora's box which was kept so firmly shut during the Cold War period has been lifted. In the place of the command economy and monolithic autocracy of the Soviet Union have emerged a myriad of warring peoples and nationalities busily soaking up armaments, sold both on the open and illegal markets. The acting out of the assertion of the peoples' right to self-determination, which is guaranteed by the United Nations *Charter*, is undoubtedly one of the most important phenomena facing our world at this time. We must hope that the media of communications can be mobilized to promote the futility and horrors of war, the need for compromise, the tolerant appreciation of the viewpoints of others and the personal contacts of individual citizens and business-people which, together with integrated economies, makes bloody conflict more unthinkable. After all, when we see ourselves as the human species, hurtling through space on this tiny blue planet in the middle of a black universe, we should objectively be able to find sufficient in common to live in peace together. Certainly, the technology of informatics permits and promotes this goal.

DIFFERING PERSPECTIVES OF "GOOD GOVERNMENT"

So dominant was the Anglo-American alliance at the end of the Second World War, and so shattered its enemies, that the influence of Anglophone ideas and culture was left as an indelible stamp on the

institutions of the new world order established in the United Nations. The *Charter* with its commitment to human rights was followed up shortly by the *Universal Declaration* and subsequently by the *International Bill of Rights* with its two inter-related *Covenants*. The whole body of the later development of international human rights, in the several agencies of the United Nations, reaching now even to the International Telecommunication Union, has been the consequence. There can be no doubt that the organs of the United Nations, such as the Human Rights Committee established under the *International Covenant on Civil and Political Rights* have a large and growing impact upon the protection of human rights in many parts of the world. Equally, there is no doubt that every precious individual is special. Arising out of humanity itself come basic needs which go beyond life, liberty and the pursuit of happiness, but which may be encompassed in those three words.

An important book just published in Australia and Japan by two Australian authors describes what is called *The Confucian Renaissance*.[11] It is a book which illustrates the difficulties of asserting universal human rights without regard for the long established differences which exist in different cultures. It suggests that certain features of the societies of the newly emerging countries of Asia (doubtless shared by other societies now on the same path) help to explain the economic miracle. But also, necessarily, fashion the perspectives of good government and the rôle of human rights and the rule of law peculiar to those countries. Amongst the reviving Confucian characteristics identified by the authors are:

* An emphasis on obligations to society, rather than rights;
* An emphasis on the rule of men of virtue, rather than the rule of law as such;

* A high emphasis on ruthlessly competitive education which instills lifetime standards of excellence;
* An acute sense of linkages between the past and present which promotes a longer time commitment than is traditional in Western pragmatism with its attention to the "bottom line" and immediate "cost effectiveness";
* A high sense of the value of the human community and order above material possession and accumulation;
* A high regard for logic and rationality complemented by spiritual traditions;
* An acute awareness of the changing nature of reality; and
* A strong instinct for institutional pragmatism and innovation, reflecting the authority and responsibility carried by officials who rule societies in a manner unthinkable in environments of the Judeo-Islamic-Christian tradition.[12]

I mention these features, which have to be understood to appreciate the communities especially of North Asia. I have an acute awareness of the differing features which may underlie other communities of this region - including Christianity (in Australasia, Papua New Guinea, the Philippines and Vietnam); Buddhism (in Thailand and Burma) and Islam (in Malaysia and Indonesia). Asia itself is not monochrome.[13] Still more differences would affect notions of good government in Africa. But it is vital, when talking of good government and social responsibility, to be on guard against any new forms of cultural or political imperialism. The self-same cultural well-springs which have reinforced and sustained the modern economic development of Confucian societies in Asia must themselves be drawn upon to build the accountable, tolerant democracies of the rest of Asia. That will not always be easy. Racial discrimination is by no means unknown in this region.

Terrible losses of basic human rights have marred the recent history of Asia and the Pacific. Sadly, the same can be said of the African continent. The road ahead must be illuminated by a clear understanding of the historical antiquity of the cultures of every continent and the legitimacy of different paths to the same goals of good government, democratic accountability and social responsibility.

A DEFENCE OF CULTURAL DIVERSITY

Linked with this idea is the need to acknowledge the importance of preserving cultural diversity. It would be a tragedy if the movements to globalisation, encouraged by technology and economic forces were to spell the death of the great variety of languages and cultures which flourish in this part of the world. Certainly, we need common means of communications. But equal is our need to preserve, protect and sustain the marvellous variety of human languages and cultures.[14]

Different cultures will have their own standards and values. For example, in a country such as my own, there is an acute concern about the individual right to personal privacy. Now it is being suggested that each child at birth could be given an individual telephone number. As soon as he or she could talk a watch-like device would be assigned with ten little buttons on one side and a screen on the other. There is a suggestion that this prediction, made in *Time* magazine in 1959, could now come true.[15] No doubt the next step will be actually to implant the facility at birth so that it remains with the person, like a tattoo, for life. There would be concern in Australia that this kind of development would permit the State and its organs to monitor every activity of every citizen at all times. In some crowded communities, where carrying identity passes is already compulsory, such an idea might not produce quite the same horrors. But there may be different areas of concern.

The latest issue of *Media Law and Practice* records that hardcore pornography has been "unleashed on British homes" by satellite television. The Netherlands channel, "Red Hot", has been marketed all over Europe by a Manchester based company which claims already to have won three thousand British customers in a fortnight. Objectors contend that this undermines the control of one society over the moral standards to be observed in it. Defenders contend that it provides adults with viewing of their choice, can be guarded from children by a personal identity code and in any case is unstoppable by reason of the technology.[16] A recent suggestion that an Australian consortium should bring "the best of Australian television" to Asia, via the Indonesian Palapa, presents, in a much different form, the potential intrusion of Australian ideas and values into the national sovereignty and cultural identity of neighbouring countries. Yet, it was undoubtedly the "intrusion" of western television and radio into Central and Eastern Europe, which sustained the democracy movement in that part of the world during oppressive days of autocracy. The sight of the fall of the Berlin Wall and of similar events in Asia (such as the events in Tiananamen Square) have equally supported the advocates of accountable democracy and human rights in Asia. The peaceful change of government in Zambia has had a similar impact in this part of the world. Technology and economic pressure for ballot box democracy will have an impact upon notions of cultural diversity, including in Lesotho. The challenge before us is to maintain and defend the survivable elements in our individual cultures whilst recognising that global pressures will undoubtedly impact them and, to some extent, erode them over time just as pop music and Ronald McDonald's hamburger chain have already done.

THE CONTROL OF FREE SPEECH

My last point concerns the technology of news reticulation. It will be remembered that this is one of the preconditions for good government which most studies assert to be essential if an accountable, responsive form of government is to be built and sustained.

At a recent conference which I attended in Madrid, Mr Jon Snow, the noted English news journalist described the tremendous changes which have come even over television news during his career. Instant communication, which is such a feature of news today, is vulnerable to superficiality and inaccuracy, according to Snow. Over-simplistic news presentation with film has replaced, for many people, the delivery of news analysis: glitz has replaced information.[17] Delay, editing and reflective expert commentary previously promoted the sharing of more thoughtful messages. In their place, according to Snow, we are now increasingly receiving instantaneous coloured pictures with banal commentary, often in the form of entertainment, and often directed (at least in the case of CNN) towards its substantial American origin and content.[18] Relevant to the realities of countries such as Lesotho, Snow warned:

> *"In the developing world ... CNN is frequently unchallenged. The indigenous broadcasters simply don't have the financial or physical resources to compete with an external provider by-passing national transmissions with a global operation pumped in from outer space. Certainly it would help if more balanced service could be made available to the developing world in competition with CNN.*[19]"

The advent of a "free press" or "free media" is not necessarily socially and politically neutral. Choose topics to broadcast and you may effectively fix the agenda of the world's politics and concerns. Ignore the plight of developing countries such as Lesotho and issues of over-population, food and debt and the result will be a soporific

anaesthetic, on a global scale, to undermine the endeavours to build truly accountable governments and world institutions in the age of informatics.

CONCLUSIONS: THE GLOBAL MOMENTUM OF LIBERTY

The twentieth century is now reaching its close. To a remarkable extent, the agenda of the century was fixed by the ideas of quantum physics which sprang from the mind of the German physicist, Erwin Schrödinger. From these concepts came the ideas for nuclear physics, biotechnology and informatics. These technologies present great opportunities and challenges to the world in which Lesotho and its government must find a place. They also define its future.

Technology spreads knowledge and information. Inescapably, it thereby involves a political momentum. It spreads messages of liberty, personal freedom and the accountability of government. It does so by personal telecommunications but also by the broadcasting media. It is hard to control. With time, it will be harder still to manipulate and command with effectiveness. It is in this sense the technology of liberty.[20]

That is why the long-term prognosis of our planet is the advancement of good government and the promotion of social responsibility. But we should not assume that these ends will come about through accident or simply because they are inevitable. It is incumbent upon governments, individuals and organisations to play a constructive part in promoting these ends.

Why should we do so? Because, in the end the aim of human existence is to build up good environments (including spiritual and world conditions) in which human beings can live, individually with happiness and collectively in relative harmony with other groups and peoples. That is why the transformation of Lesotho to a democratic

form of government must be seen as a step towards modernisation and in the direction of the preconditions for economic advancement. It is a step in a global process which universal human rights demand and which global technology makes easier of attainment. It has thus both an African and a global dimension.

NOTES

* President, Court of Appeal, Supreme Court of New South Wales, Sydney, Australia. Chairman, Executive Committee, International Commission of Jurists, Geneva.

1. In the United States *Declaration of Independence*.
2. Organisation for Economic Co-operation and Development, Policy Statement on Development Co-operation in the 1990s, Press / A (89) 58, paras 2f.
3. See W H Coldrake, Comment, "Technoculture and Technocringe: Why we Don't Understand Japan" in Australian National University, *Reporter*, 10 July 1991, 2.
4. OECD, Policy Statement, above n 7, *loc cit*.
5. *Ibid*, para 17.
6. OECD Ministerial Council of June 1991 (SG/Press (91) 31, para 44.
7. See R D Gastil, "Support for Democratic Development", Paper of the OECD, unpublished, DCD (92) 4, 3.
8. P Tarjanne, "Telecom: Bridge to the 21st Century" in *Transnational Data and Communications Report*, July/August 1992 (vol 14 no 4) 42 at 42.
9. *Ibid*, 43.
10. *Id*, 45.
11. R Little and W Reed, *The Confucian Renaissance*, Federation

Press, Sydney, 1989.

12. *Ibid*, 54-55.

13. S Fitzgerald, Commentary on the Asia Lecture 1992, University of New South Wales, Asia-Australia Institute, 9 July 1992, 16.

14. G R Pipe (ed) *Eastern Europe: Information and Communication Technology Challenges*, Amsterdam, 1990, 383.

15. The issue of *Time* was in 1959. Mr W Gosling, Technical Director of UK Electronics Manufacturer Plessey (now GPT) has been reported in 1992 as saying "Everyone born in the UK from 1992 onwards could be allocated his or her own telephone number at birth and retain the number for the rest of their lives".

16. *Media Law and Practice* vol 13 no 3, 1992, 237. For a note on the proposed Australian use of a satellite to beam television to Asia see *Sydney Morning Herald*, 16 September 1992, 3.

17. J Snow, "The Role of Communication and Information in Contemporary Societies: What do we Comprehend of the News?", unpublished paper for a preliminary meeting of the Cross-Cultural Debate sponsored by Fundacion BBV, Madrid, 1992, 6.

18. *Ibid*, 10.

19. *Id*, 11.

20. See M D Kirby, "For 'Telecommunications' read 'Freedom'" in M Armstrong (ed) *Telecommunications Law: Australian Perspectives*, Media Arm, 1990, i at xvii ("In the light of the extraordinary developments of the year past, still unfolding, it is not too much to say that for telecommunications one should read innovation, the free flow of ideas, individual fulfilment and economic progress. In short, for 'telecommunications' read 'freedom'"). See also

P Robinson, *User Influences on the Development of I T Policies*, Tide 2000, 1992, 188.