continue the search for a master or keystone right, but to do so with the awareness of the political conditions that make that worthwhile task very difficult.

REMARKS BY CLAUDIO GROSSMAN*

Establishing the precise content of the right to participate in government is a complex matter. The right to participate includes diverse but interrelated components such as free elections, freedom of assembly, freedom of association, economic, social and cultural rights. Further, the right accrues to different subjects, that is, to individuals and to peoples. The variety of subjects and components multiplies the number of issues for interpretation. In addition, interpretation itself is not an exact science. For example, should we read treaties concerning the right to political participation in accordance with the principles of interpretation set forth in article 31 of the Vienna Convention? Or should we follow the McDougal theory of treaty interpretation, which has not been recognized by the Vienna Convention?

Despite these difficulties, I will begin by trying to define the essence of the right of political participation. The right to participate in government constitutes an acknowledgement that both individuals and peoples are entitled to be the masters of their own destinies and participate in decisions that fundamentally affect their lives. This right includes the right to participate in government as well as the right to take part in the conduct of public affairs. The latter right is recognized in paragraph 8 of article 23 of the International Covenant on Civil and Political Rights. This provision states that every citizen shall have the right to take part in the conduct of public affairs. The drafters of the covenant had considered and rejected a more restrictive formula: "to take part in the government of the state."

The first problem in the recognition and enjoyment of the right to political participation concerns the scope and relevance of government activity. As we all know, the government decides only some of the important issues in our lives. Other actors also influence societal decisions that in some cases have the same magnitude as the issues dealt with by the government. Further, some governments simply lack the power to influence actors and societal decisions affecting their peoples and individuals.

Allow me to illustrate the point with an admittedly sexist joke. Pedro viewed himself as the "boss" of his household because he made all the "important" decisions, such as whom to vote for, whether he and his wife agreed with glasnost in the U.S.S.R., whether the last President's speech addressed an important political issue. His wife made all the "insignificant" decisions, such as where they were going to eat, where they were going to send the children to school, and so forth. In short, the joke demonstrates the problem of equating participation in government with the goal of becoming masters of our own destinies. It is a mistake to believe that the mere act of electing others or even being elected actually allows us to participate in all the important decisions in our lives.

The right should include matters under the jurisdiction of Pedro's wife—namely, the location of our homes and the quality of our work. Enjoyment of economic, social and cultural rights then become essential prerequisites to the enjoyment of the right of political participation.

Following to its logical conclusion the principle that participation should be meaningful, we must recognize that the realization of the right to participate in government also requires that nations enjoy the right to full participation in the international com-

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munity. If an individual is to gain control and power over the critical decisions of his or her life by participating in his national government, the national government as well must be in a position of control over the relevant facets of an individual's life. If a nation is not the master of its own destiny, it will be impossible for individuals within that nation to become masters of their destinies. Therefore, we must recognize that the right of political participation has an international dimension; specifically, progressing toward the establishment of fair economic and political relations.

The International Covenants express the principle that a nation should be master of its own destiny by recognizing the right of self-determination and considering that right to include the right of all peoples and nations freely to determine their political, social, economic and social statuses. In sum, growing interdependence requires the democratization of international relations.

The second obstacle to gaining full recognition and enjoyment of the right to political participation is seen in what I would call the contradiction between theory and practice. In general terms, one may say that since the French Revolution there has been an expansion in the right to participate in government that has been reflected in numerous international treaties. The French Revolution established the fact that people, as opposed to kings or God, legitimately may exercise power. The notion later expanded to include legitimate exercise of governmental power by colonized peoples. Further, the concept of which individuals may participate in government also has expanded. For example, voting restrictions based on ownership of property, cultural background, knowledge, race, or sex have been rejected by the international community as evidenced by article 24 of the International Covenant on Civil and Political Rights. The article does not ensure identity of treatment—i.e., minors or persons with unsound minds still may be denied the right to vote—but it does ensure equality of treatment.

Nonetheless, this impressive theoretical advance involving peoples and individuals is not complete unless it is translated into practice effectively. A well known example of the lack of translation into practice is provided by the text of some Latin American constitutions. If an archeologist were to discover these constitutions in the future, say 2,000 years from now, he would regret not having lived during the time of these constitutions, in light of their generous provisions. He would think that the people of the past lived in a society without problems and would regret that his or her society had not achieved that degree of development. Obviously, the real quest is the translation of the theory of such constitutions into the daily practice of the governments.

Thus, we must formulate a definition of the right to political participation that includes and considers the factors essential to real life. From this perspective, the definition of the right to political participation should include as a necessary component the right to expand the degree of political participation, since the current degree of participation for most peoples and individuals is insufficient. The right to participate is indeed the right to expand participation so that eventually every individual will take part in decisions affecting his or her life. In light of the right's international dimension, all states also must undertake the promotion of the right of self-determination as a form of expanding the right to participation. A duty to expand rights is not alien to international law. The General Assembly of the United Nations has interpreted articles 55 and 56 of the Charter to include the duty to progress in the implementation of human rights as a vital part of the law of human rights. Considering the lack of participation, in my view, the minimum prerequisite to the enjoyment of the right to participate in government is the requirement that we promote, develop and progress in the expansion of participation. Accordingly, we should be able to measure behavior
against a legal standard that includes the concept of expansion of the right to participate as an integral part of the realization of the right to participate. As lawyers, we can articulate and create symbols to strengthen its development.

**Remarks by Larry Garber***

I shall start by noting that I appear to be the only unreconstructed liberal on the panel who believes, in Tom Farer's words, that the right to political participation is the keystone for a system in which all human rights are respected. I realize that this may be misinterpreted, especially given the present administration's abuse of the terminology of political participation.

I approach the subject of political participation from a dual perspective. First, I work as a lawyer with the International Human Rights Law Group. The Law Group has established and implemented an election observer project that has observed elections in eight countries since 1983.

The other perspective is based on my work as a consultant with the political development institute mentioned by Alexander Wilde, the National Democratic Institute for International Affairs. My work for the Institute focuses on countries such as the Philippines, Haiti, and Chile. We try to encourage individual political participation as a means of nonviolent removal of repressive political regimes. As you know, the work has not been successful always, Haiti being the obvious example.

Turning first to the International Human Rights Law Group, we began our project with the thesis that the observance of the right of political participation should be monitored in a fashion similar to the monitoring of other human rights violations, such as torture or the arbitrary detention of individuals. Nations failing to respect the right to political participation deserve criticism just as nations that place individuals in jail for their political beliefs deserve criticism.

As to the content of the right of political participation, we acknowledge that it is broader than the mere occurrence of an election. Indeed, the first step of our project was the development of guidelines for international election observing. In the Law Group schema, the minimum requirements for a genuine election include the following: first, the existence of no unreasonable restrictions on the ability of an individual to participate as a candidate or a voter; second, respect for political freedoms for a time period prior to the elections sufficient to allow individuals to obtain information about the process; and third, respect for the integrity of the process, which encompasses issues such as fraud and the ability of the winner, as defined by local law, to assume power.

We select countries where we have concerns about the general human rights situation, because we tend to look at the election process as part of the entire human rights environment. For example, our latest long-term project was the Republic of Korea. We monitor the election process over a period of time; we do not limit our observations to election day.

The Law Group has encountered several problems in the field that have raised issues worthy of discussion. First, how do you evaluate whether the political conditions permit participation by all parties? We faced this question in both El Salvador and Nicaragua. Some of the parties argued that they could not participate because of the existing conditions. In other words, is a meaningful political exercise possible when some of the parties decline to participate on such grounds?