

# Who Will Guard the Guardians?

by Alfred de Zayas



Alfred de Zayas  
(Photo ma)

*As we surf on the mainstream media, listen to the telejournal, check out the social media, we can witness how fake news evolves into fake history and how politicians and journalists instrumentalize both to concoct fake law. I think that we can say, without fear of contradiction, that there is a veritable war on*

*truth. Surely, we are on a slippery slope toward fake democracy – or are we already there?*

“Quis custodiet ipsos custodes?” (*Juvenalis, Satires*) – who will guard over the guardians? – when the mainstream media no longer performs the function of the watchdog, no longer alerts us to endemic – and punctual – governmental abuses but act more like echo-chambers of the interests of certain “elites” and transnational corporations... who will blow the whistle on governmental and private-sector scams? How can we defend our rights when our elected officials, those who have the obligation to uphold the law, are actually in the service of other, more powerful and lucrative interests? What can we do when the executive, legislative and judiciary are progressively corrupted, when institutions like the *International Criminal Court* (ICC) discontinue investigations into gross criminality by powerful states while prosecuting the little fish, when the *Organization for the Prohibition of Chemical Weapons* tampers with the evidence of inspectors and suppresses crucial facts (Douma “report” on Syria), when the *Organization of American States* (OAS) is complicit in a coup d’Etat against an OAS member state (Bolivia), when other supposedly objective organizations systematically dis-inform the public, disseminate evidence-free news, suppress dissent?

\* Alfred de Zayas is a professor at the Geneva School of Diplomacy and served as a UN Independent Expert on the Promotion of a Democratic and Equitable International Order 2012–2018.

*Only we can be the guardians* – by reclaiming democracy and our right to effective participation in public affairs, as stipulated in article 25 of the *International Covenant on Civil and Political Rights*. We must condemn the politicization and “weaponization” of human rights, especially when human entitlements are instrumentalized to obliterate others.

We should remember that human rights are not in competition with each other, but that human rights constitute a holistic system based on our common human dignity. We know that the United Nations, the *Security Council*, the *General Assembly*, *Economic and social council* (ECOSOC), the *Human Rights Council* are all political. That’s not the problem – it is a *factum* that everything can be seen as “political” in some way. What is crucial is that everybody be required to play by the same rules and that there be some kind of monitoring to ensure that the rules are being observed in good faith.

A problem lies in the fact that many diplomats and politicians sitting in public institutions do not really feel committed to human rights, international law or international solidarity – or at least do not consider these values as their priorities, although they give the requisite lip service to them. Another problem lies in the absence of ethics in public institutions, in the double-standards used by politicians and diplomats. Indeed, “quod licet Iovi non licet bovi” – what is permissible for Jupiter (the US, UK, EU) is not permissible for a bull (the rest of us).

Sure, the world needs a rules-based international order – valid for everybody, not just for the poorer countries. Remarkably, the US Secretary of State *Antony Blinken* keeps harping on this “rules based” order. But we already have it: the United Nations Charter, which is akin to a world constitution. Everything is already in the Charter. All we have to do it is to apply it in good faith.

It is dismaying to see how many countries ostensibly committed to the *International Covenant on Civil and Political Rights* and the *International Covenant on Economic, Social and Cultural Rights*, systematically vote in the *Human Rights Council* to defeat certain mandates that advance

transparency and accountability, when they vote against the human right to peace, the right to international solidarity, the right to development. How can we denounce countries that sabotage efforts to adopt a legally binding instrument on corporate social responsibility, flout the prohibition on unilateral coercive measures, use mercenaries to defeat the right of self-determination of peoples, disregard UN decisions and resolutions, including Advisory Opinions of the *International Court of Justice*?

Powerful States that violate international law with impunity are actually sending a dangerous signal and giving a cynical example to developing countries in Africa, Asia and Latin America. If we in the developed “West” want to be leaders – not only in economic matters, but also in human rights, we must lead by good example. And when we do evil things like the barbaric assault on Iraq in 2003 or the persecution of “whistleblowers” like *Julian Assange* and *Edward Snowden*, we establish “precedents of permissibility” – which others will surely follow. “There lies the curse of

evil deeds – that they continue generating other evils” – *Das eben ist der Fluch der bösen Tat, dass sie, fortzeugend, immer Böses muss gebären.*” (*Friedrich von Schiller, Piccolomini*)

What the international community needs in the twenty-first century is mutual respect and pluralism, international solidarity and multilateralism. And yet, from all sides we experience the pressures of conformism, “groupthink” and “political correctness”. We must be very vigilant if we do not want to get caught up in a totalitarian witch hunt against “wrongthink”.

We ourselves must be both guardians and whistleblowers. We cannot trust institutions that are financed by corporations and/or have been penetrated by intelligence services. We cannot rely on media that only acts as echo chambers of the powerful. We must pro-actively build a sustainable world – day by day – based on the United Nations Charter and multilateral action. *We are the guardians.*

Source: <https://www.counterpunch.org/2021/12/31/who-will-guard-the-guardians/>, 31 December 2021