

Human Rights: **The Pathway to Peace**

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Peace. Human rights. What more obvious, natural partners could there be than those two fundamental, essential concepts. And that isn't just intuitive, it's the law. No lesser authority than the Universal Declaration of Human Rights, in its opening words, talks of respect for human rights being the foundation of, among other things, peace in the world.

And of course that is the case. Peace will be elusive and tentative at best if it is not firmly grounded, anchored in a commitment to human rights. And it goes both ways. Peace is essential to lasting, meaningful human rights protection.

But it isn't always as obvious as that, including to the people who crave both peace and human rights.

I remember words of despair, shared with me in May 2008 when I was part of an Amnesty International team that travelled to Chad and to Cameroon in central Africa. We went because there had been terrible human rights violations in the Chadian capital of N'Djamena during the course of a pitched 48-hour battle between government and rebel forces fought out in many of the city's most densely populated and impoverished neighbourhoods. Hundreds of people were killed, many hundreds more badly injured. Homes were destroyed, businesses decimated. By no means was it a time either for peace or for human rights.

As soon as there was a pause in the fighting over 50,000 people fled their homes and streamed across the nearby border into Cameroon. Most were then sent on to a refugee camp – which is where we found them, thousands of people in an isolated corner of

northern Cameroon, huddled under plastic tents pitched on a vast expanse of desolate windswept desert -- with no escaping the excruciatingly relentless central African sun and no nearby water. An unforgiving, unbearably harsh corner of Africa is where they had come, looking for safety.

And this is where I came across 70 year-old Mahamat Delingue. He sat and told me a sorrowful tale. His wife had been killed in the fighting. He had been badly injured. Their home had been destroyed by artillery shelling. He became separated from the rest of his family when they all fled. Once he made it to the refugee camp he was reunited with one of his sons and his family, only to learn that his young grandson had also been killed during the fighting.

It is hard to imagine a situation of greater insecurity – for him, his family, his neighbourhood, his city and his nation. And sadly, in the midst of that deep insecurity, Mahamat assumed that human rights had nothing to offer, were no longer in play. After I had heard his story I asked him a number of questions, all keyed to various human rights principles and concepts. He looked at me with disbelief and astonishment. And sad quite pointedly. Why do you even ask? We have left our country and are here as refugees, we have no rights left. And furthermore it is a time of war, there is no such thing as human rights. What we are looking for now is peace. Human rights are for some other day.

What more poignant reminder could we have of the fact that the relationship between peace and human rights, so essential to each other, is not always as clear as we may think.

This evening I want to explore this fundamental relationship between peace and human rights with you in a couple of different ways, and leave you with some suggestions as to concrete and very crucial ways in which we can work to advance these two vital agendas hand in hand.

First is to look at an area where the relationship is often tested, and that is when the human rights community insists that there must be justice for human rights violations, and that peace deals and peace negotiations cannot and should not sell human rights justice short.

Second, I want to look at the subversion of peace by the rise of global and national “security” agendas during this post September 11th decade we have just been through. And what that has meant for human rights.

And then I am going to touch briefly on the role of business, the need to do something about the arms trade and the fundamental importance of doing more to protect the human rights of women and girls. All of which lay out concrete steps forward in advancing both peace and human rights.

Let’s start with that complicated dynamic of war, peace, human rights and justice.

It is hard to imagine disagreement or rancor between human rights campaigners and peace activists. But it does occasionally arise. And that is when we introduce the concept of justice, accountability and redress for human rights violations into the equation.

Stands in the way of peace goes the concern. Scares parties to a conflict away from the negotiating table we are warned. Better not talk of justice. Better, however reluctantly, to talk of amnesties for human rights violators. That approach will best ensure that peace talks continue, that warlords actually sign peace deals, and wars come to an end. Any approach that forcefully insists on human rights violators facing justice will derail the tentative, uncertain journey to peace.

But without justice, is peace sustainable? If the individuals responsible for the grave human rights violations that were at the heart of the conflict get away with it, what is the lesson for the future? And beyond getting away with it, of course, in many instances it is not just about paying no price – but rather reaping great benefit: holding on to wealth, gaining political office, basking in increased international stature. It’s all about impunity.

Impunity has reigned. Most often, overwhelmingly, that is because of disinterest in pursuing justice. Sometimes though impunity is a deliberate decision. Amnesties are granted in the course of peace negotiations or in the midst of a transition out of a period of widespread human rights violations. But has impunity bought us peace? Clearly not. At best, it buys a very fragile, short-lived peace that easily collapses at the first sign of trouble. There is probably no better example than Sierra Leone.

Sierra Leone was devastated by an ugly, vicious conflict throughout the 1990's marked by some of the most brutal human rights violations imaginable, drawing children into the very heart of the conflict. An impatient international community, eager to see it end and for peace to return to that country signed off on a 1999 peace accord that had wide-reaching amnesties at its very centre. Foday Sankoh, the leader of the Revolutionary United Front rebel group that was responsible for the very worst of the abuses, was not only unconditionally pardoned for any and all offences. He was named Vice-President and was granted control over Sierra Leone's lucrative diamond fields. But it didn't last. It collapsed, in fact, in less than a year. And as the collapse came and old rivalries and divisions quickly re-emerged, it was of course back to old patterns of violence and human rights abuses. And why not: there had been no price to be paid and everything to be gained last time.

War resumed. Thousands more were killed or horrifically injured and maimed. In early 2001 I spent several weeks in the region, documenting the brutal toll among Sierra Leonean refugees who had again been forced to flee for their lives. UN troops had to pour in. And this time, they got it right. The next Sierra Leonean peace plan was all about justice and human rights. A Truth and Reconciliation Commission. A Special UN organized court to bring the worst violators to justice. A court most famous now I guess for the trial of Liberia's former president Charles Taylor, a mastermind of widespread hrv's in various parts of West Africa. This time the peace has held and Sierra Leone continues on a long, slow, but steady road of rebuilding and recovery.

Lesson learned? Slowly, I think so. Over the past twenty years this has truly begun to change – first the UN set up special tribunals for the former Yugoslavia and Rwanda, next the groundbreaking effort to bring Chile’s human rights criminal Augusto Pinochet to justice, and of course – in 1998 the historic decision, made possible through Canadian leadership, to create the new International Criminal Court, a body which has recently begun its first trials, focused on the DRC and the CAR, with several more in the wings. And then two more international level courts were set up, dealing with the raft of human rights atrocities in Cambodia and Sierra Leone.

But it is very shaky. Key international players, notably the United States, China and Russia, are most certainly not fans of moves towards stronger laws and institutions for international justice. And the International Criminal Court has faced challenges on other fronts as well. An arrest warrant, for instance, that has been issued against Sudan’s president Al-Bashir, on genocide, war crimes and crimes against humanity charges related to Darfur, has proven impossible to carry out. He has, in fact, been able to travel to a number of other African countries undisturbed, despite their clear legal obligation to respect the ICC arrest warrant.

These days it is particularly remarkable to see the tide changing amidst the human rights turmoil and revolution currently playing out in the North Africa/Middle East region. Talk about a region with an undisturbed reign of numerous human rights criminals. Thus the sea change is all the more dramatic. There are serious discussions about the ways to ensure that officials responsible for human rights violations in Tunisia will face justice – nationally or internationally. Former President Mubarak and his sons of course have suddenly and very ignobly found themselves on the other side of “justice” in Egypt.

And quite remarkably, among the first decisions taken by the Security Council in response to the crisis in Libya, was a referral of the situation to the International Criminal Court for investigation of possible crimes against humanity. It was necessary for the Security Council to get involved because Libya itself has not recognized the jurisdiction of the International Criminal Court. What was particularly remarkable though is that any

of the United States, China or Russia – never keen to bolster the work of the ICC – could have used their veto to block the referral. But they did not. To make it clear that they have not suddenly become fans of international justice, they could have at least abstained in the vote. But they did not. They all voted for it. It was historic.

In fact all 15 members of the Security Council voted for it. That is a notable advance from 2005, the only other time the Security Council has referred a situation to the International Criminal Court. That time it was the atrocities in Darfur. And that time both China and the United States, along with 2 other countries, abstained. That is truly encouraging. A real sign that recognition of the importance of international justice is growing.

As a bit of a sidenote, Canada faces a test on this front in a couple of weeks time. Former US President George Bush will be speaking at a conference in Vancouver on October 20th. AI and a number of other international, US and Canadian human rights and legal groups have submitted extensive information to our Minister of Justice, Rob Nicholson, highlighting George Bush's responsibility for serious human rights crimes under international law, including torture and war crimes. We've pointed out that under both international law and domestic law Canada has not only the opportunity but in fact the obligation to ensure that the former president faces justice, and that given the nonexistent prospect of that happening in the United States it is incumbent upon Canada to launch proceedings here. That is, in our view, what both peace and human rights cry out for. Safe to assume that this is an instance where both will take a back seat to politics.

Let me move on to look at another dimension in the relationship between peace and human rights. Things have become more complicated because we live in a time in which "security" rather than "peace" has come to dominate national and international discourse in so many ways; and worse, a particular conception of security has increasingly been promoted as the road to peace. It's a conception heavy on military and police strategies, launching wars and setting up secret prisons. Weak on community building, reconciliation and justice.

And what a loaded word “security” has become when it comes to human rights. Ever since national security swept to the top of national and global political agendas, following September 11th, we have been led to believe that security and human rights are somehow contrary goals. Want to feel more secure, more at peace? Well, you are going to have to accept more human rights violations. Human rights matter to you? Well you will have to learn to live with greater levels of insecurity then. We have been led to believe that when it comes to security and human rights, if you gain on one side of the equation, you necessarily lose on the other.

How wrong this is. Human rights do not stand in the way of security. They are the very key. Our world is absolutely not insecure because we are awash in human rights, because we’ve gone too far in protecting and upholding fundamental freedoms, because we’ve been too preoccupied with ensuring global justice. Quite the opposite. If anything, we are insecure because of the longstanding failure to truly, truly commit to what the human rights vision entails. And we’re not going to become more secure or more at peace by creating an even greater distance from those human rights ideals.

The great irony is that governments around the world have consistently used arguments about security as an excuse for violating the full range of universally protected human rights. Faced with widespread armed opposition or sporadic violent protests; with sweeping peaceful opposition or limited underground dissent, governments have used “security” as an excuse for mass arrests of ethnic or religious minorities, for the torture of political opponents, and for launching military action that results in huge numbers of civilian deaths. Invariably the abuses have served only to create further resentment, grievance, opposition, violence and insecurity. In the end, neither human rights nor security have been advanced. And there has certainly been no peace.

Don’t get me wrong. There is no doubt about it, this world of ours is in need of security. But “security” is not and cannot just be about more bomb-checks, no-fly lists, police screens and military battalions. We overlook the stark reality that September 11th 2001

was not a wake up to insecurity for the vast majority of people on this planet. **Security** is precisely what millions upon millions of women, young people and men who live lives of fear, hunger, violence and racism crave.

But their concept of security is a much more powerful vision. It is all about security where they live and how they live. Security that brings safety, justice, dignity and well-being to the individual, the community and the nation. Security that is for us all. Security that is all about peace.

What they demand, what we must all demand is an agenda for security that embraces human rights. An agenda for security that embraces peace.

Now let me turn my thoughts to three priority issues of concern for Amnesty International in our current research and campaigning efforts, which I believe offer the human rights and peace communities vital opportunities to advance a shared agenda.

First is the need to tackle the role of businesses, both in contributing to violations and conflict, but also in having such potential to promote peace and stronger human rights protection.

I always remember the haunting words of a Sierra Leonean refugee woman I interviewed in an isolated corner of neighbouring Guinea in early 2001. At that point in time the devastating conflict from Sierra Leone had spilled across the border into Guinea, leading to countless deaths among Sierra Leonean and Liberian refugees, as well as Guineans living in the area. She recounted a heartbreaking tale of loss, including killing of her teenage son. At one point I asked her what she thought lay behind the fighting and who was responsible. She looked so tired and defeated and simply said – it is them again; and it's all about the diamonds. Everyone cares about the diamonds. No one cares about us.

The might of business is immense. Of the world's largest budgets, 6 are governmental and 9 are corporate. Each of the top 15 multinational corporations has a budget greater

than the GDP's of at least 120 countries. From those enormous players down to much smaller companies with only a handful of staff, the human rights equation is quite similar. The potential for very real human rights damage is obvious. A company may become complicit in violations when it turns a blind eye to the excesses of local police or military who provide security for company operations. Failure to pay due regard to land rights of Indigenous peoples in and around an area rich in minerals or oil may lead to violent, forcible displacement and conflict. And of course royalties and tax revenues paid by business to governments – which in the case of large-scale petroleum or other extractive industry production can amount to immense sums of money – are far too often used, not for admirable social purposes, but rather to buy weaponry that is in turn used in the commission of human rights violations and to wage war.

At the same time, responsible, sustainable business practices can advance human rights in very powerful ways. Providing equal opportunity access to meaningful employment can help promote the rights and well-being of women and of disadvantaged minority groups. Using company influence to press for an end to human rights violations and for adoption of needed human rights reforms can certainly make a difference in improving a country's sorry human rights record.

The goal seems pretty clear. We want to ensure that business does not cause or contribute to human rights violations, and that business acts in ways that will improve and strengthen the protection of basic human rights. Of that I do not think there is much, if any, disagreement. The debate is about how.

In particular there has been debate, sometimes contentious, about whether businesses should be left to voluntarily govern themselves when it comes to their human rights practices; or whether there is a role for government regulation. Businesses and most governments strongly argue that voluntarism is the best approach. Amnesty International and many others have argued that voluntarism on its own is simply not good enough when it comes to something as important as human rights. The issue peaked last fall in Canada when a private members bill proposing a new framework for enforcing greater

human rights accountability for the overseas operations of Canadian extractive companies – came close, but not close enough, to being passed into law, narrowly defeated by 4 votes in the House of Commons.

We need to view that close call not as the end of a campaign, but as the beginning. For we truly do need to work to ensure that a meaningful human rights framework for business – with standards and a means of enforcement – is finally developed at both national and global levels.

Next is the arms trade. Let me use the remarkable events playing out across North Africa and the Middle East as our frame here. We would be stunned – or would we --- to see the list of military weaponry and police and security material that has been provided to governments across North Africa and the Middle East from other countries, particularly G8 states. Russia, France, Italy and Germany, for instance, all had a lucrative arms trade going with Libya for a number of years. With Gaddafi's downfall I have read that Russia has lost an estimated \$10 billion in sales; Italy a reported \$1 billion. Similarly Tunisia, Egypt, Yemen, Bahrain and Syria have all long been favoured client states for arms deals from G8 governments, particularly the United States and EU states. That relationship became even sweeter in recent years as many of those countries became valued allies in the US led war on terror.

But how readily police and soldiers in Tunis, Cairo, Tripoli, San'a, Manama, Damascus and other cities picked up those very arms and weapons to attack demonstrators and try to quell the spreading protests. The region is awash in arms originating with western arms dealers, with no means of ensuring they will not be used to commit atrocities. The UN acted with respect to Libya, albeit – obviously – rather belatedly – with a Security Council imposed arms embargo in late February. But nowhere else. Not even in Syria, despite months now of security forces raining terror down upon protesters; not even as the estimated death toll there inches close to 3,000.

All of this has focused attention on the desperate need to reign in this unscrupulous, unregulated global trade in death. No longer can it be legal for companies and for governments to allow arms to be sold and transferred all over the world with no regard for the lethal human rights consequences that may follow. There have, for the past several years now, been negotiations underway at the UN to come up with a new global Arms Trade Treaty – that would do just that, would ban arms transfers when there is a substantial risk the arms would be used to violate human rights.

These are not, as you might imagine, easy negotiations. They are, however, going to reach a climax next June when governments working at the UN in NY are set to agree a draft text for a new treaty. The fiasco of western arms being used against civilians and protesters across North Africa and the Middle East must now inspire governments to do the right thing and make sure that what they agree to is a very strong and meaningful arms trade treaty. And they need to hear that from us. Our own government's position, as the issue starts to get muddled up with the domestic gun control debate, is no longer strong and clear. There will be much work for us to do together on this over the coming months.

Finally, let me end by underscoring the critical imperative to respect and uphold the rights, including most certainly the equality rights, of women and girls. Central to peace. Central to strong human rights protection.

And what more powerful part of the world to turn to than to consider the role women have played and continue to play in the remarkable revolutions sweeping across North Africa and the Middle East. It has been so apparent that women have played a central, forceful role in these inspiring, unstoppable movements. And not just in a supporting role. Women have been leaders. Young women, in particular, have been leaders. Think back in particular to photos you saw of the days of courageous protests in Egypt – the images from Cairo's Tahir Square. Women were at the vanguard. Women had the megaphones. Women were mobilizing. In Yemen, defiant but increasingly embattled strongman president Ali Abdullah Saleh has felt so threatened by this new confidence

and new power from women that he threateningly declared that the co-mingling of men and women at protests violates Islamic law. Well

- From a region of the world that continues to face deeply entrenched discrimination and shocking levels of violence against women and girls;
- From a region of the world where women have often felt tremendous fear to speak out and to be actively involved in social and political struggles; and
- From a region of the world where political power at all levels has undeniably rested in the hands of men, very often men who have ruled brutally for decades at a time.

From that region of the world, this has been tremendous. And it is something that will reverberate, must reverberate, around the world.

Tremendous; but tentative. As quickly as Amnesty International and others were celebrating and commending the leadership roles young women had played in the Egyptian protest movement we also lamented signs of them being excluded from power. For instance the committee that was assembled to propose changes to Egypt's repressive Constitution did not include a single woman. Those changes, which ended up mainly tinkering with the Constitution, were then approved in a national referendum.

And then in March it came to light that women protesters who were arrested in a new wave of Tahrir Square protests -- and now we are talking about post-Mubarak demonstrations, supposedly a new era for human rights in the country -- were subjected to forced virginity tests.

Great things do in many respects seem to have begun for women across North Africa and the Middle East over these past few months of protests and struggle. Changes that bode so well for peace and for human rights in the long term. But it is also still very much a dangerous and unequal time. A crucial time for us to show solidarity with women across the region.

So:

- bolstering the rights and the role of women;
- tackling the deadly global arms trade;
- establishing that businesses do have clear human rights responsibilities;
- insisting that security laws and practices be grounded in full respect for human rights; and
- strengthening the emerging system of international justice.

Those are just some of the ways that we can work together to advance an agenda that strengthens human rights and promotes peace.

And perhaps most importantly, it is an agenda that would reassure the Chadian refugee in Cameroon and the Sierra Leonean refugee in Guinea, whose words and fears I shared with you earlier in my remarks. Both had a clear sense that their rights did not matter, did not count because of war and conflict and greed.

Our determined effort must be to demonstrate that above all else, their rights do matter. And that as their rights are respected and upheld they will be able to live in peace.