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## Preventing conflict is a matter of and for human rights

By: John Packer

War is the anti-thesis of human rights. Indeed, the contemporary international regime for the protection of human rights is a direct result of the experiences of the Second World War and the holocaust and other atrocities which accompanied them. Not only does the Charter of the United Nations out-law war, but it entrenches human rights and fundamental freedoms as among the foundational objects and purposes of the organization. More so, the UN Charter sets out a clear logic which asserts the centrality of peace and security as the basis for economic and social development, with universal respect for human rights and the principle of sovereign equality being the two pillars of justice (within and between States, respectively).

Respect for human rights is both a condition precedent for, and a product of, peaceful and developing societies. Similarly, the maintenance of peace and security is both served by and serves respect for human rights and development. In particular, it is difficult to plan and invest in economic or social development, and to have vigorous institutions for respect of human rights, given the volatile conditions and “imponderable” effects of war or other armed conflict.

More simply, armed conflict, and other violence, is not only materially destructive and obstructive to creation of economic wealth, but in the first place it costs lives and causes other costs to families who bear the brunt of care for human injuries and losses. From all perspectives, therefore, the prevention of armed conflict and similar violence must be a key aim for the human rights movement and development communities together.

As we approach two-thirds of a century since the end of the Second World War, armed conflict and other violence, including new insecurities caused by terrorism and similar low-intensity violent acts of social conflict, remain rife. In fact, the reach and implications of new forms of violent conflict and insecurity in our ever more interdependent world presents new threats which demand effective responses. It seems as valid as ever that respect for human rights – *all* human rights for *everyone* – is not only morally justified but practically imperative.

Effective implementation of human rights, especially as a means of conflict prevention, requires the existence and full functioning of dedicated institutions at both domestic and international levels. There has been considerable progress in this direction since 1945. However, human rights alone cannot prevent conflicts. Many demands and disputes exceed the minimum standards of human rights, and are not less legitimate or strongly held because they are not rooted in an established human right. In particular, social and cultural needs and interests frequently present themselves in terms of demands upon public spaces and resources which are not entitlements. Similarly, economic development,

including access to employment and equitable opportunities and social shares of material resources, may not proceed from or be settled by reference to “rights”. Good and democratic governance is vital to respond to and manage such conflicts which are natural to all pluralist societies (which means almost every country in the world).

To help the State acquire the capacity to manage peacefully its own diversity and pursue development as a free and open society, both the function and responsibility of the State is to serve its whole population well and at the same time (and thereby) be a reliable and stable member of the international community and not a source of regional or other international insecurity. To achieve these ends requires investments and institutions within and between States, and of varying kinds. At a structural level, systems of governance and macro-economic policies need to be adopted to address the root causes of violence.

Notwithstanding work at the structural level, experience shows even in comparatively “developed” societies that risks of violence remain. These also require appropriate institutions which are operational vis-à-vis more proximate causes of violence. Leaving aside the need for legally authorized use of force in critical situations where violence has broken out (and where other instruments have little effect), international instruments of prevention directed at proximate causes are very few.

If conflict can be imagined along a continuum of time and intensity, so we can also consider where are the best opportunities for various means of support and effective engagements. One institutional means to prevent conflict is through quiet diplomacy as has been effectively employed since the end of the Cold War in the New Europe, especially with regard to inter-ethnic conflicts in Central and Eastern Europe and the former Soviet Europe. This instrument of “operational prevention” is so far unique among inter-governmental organizations. However, it has been widely recognized and endorsed by others including no one less than the UN Secretary-General, Kofi Annan. Similarly, the UN’s High Level Panel on Contemporary Threats Challenges and Change drew attention to this instrument and recommends its consideration as an example for similar institutional development within the UN system.

In support of this idea, HRI has been co-directing (together with the International Centre on Ethnic Studies located in Colombo, Sri Lanka) a global “Initiative on Conflict Prevention through Quiet Diplomacy.” We are seeking to share knowledge and experiences among regional inter-governmental organizations and promote the development of effective institutions to prevent conflict through quiet diplomacy within them. While the focus of problems to be addressed must be defined by the relevant organizations and interested parties within, including civil society, the idea that there needs to be institutions with such a function seems indisputable and has been so far well-received across the world. But moving from initial receptivity to concrete steps and institutional capacity-building, including sufficient know-how and materials, is a long (and sometimes complex) course. For this, HRI and ICES have put together a consortium of partners in all regions of the world who are committed to pursue this aim in a cooperative manner through regional and other project components.

This Special Issue of the *Human Rights Tribune* is dedicated to the treatment of the relationship between human rights and conflict prevention and draws contributions from HRI’s field engagements in Latin America and the Caribbean, East and Southeast Asia, and the Pacific Islands regions. HRI-ICES also

has partners and aims at institutional developments in Africa, South Asia and the Middle East; these are in place and awaiting funding in order to be implemented. This Issue also benefits from a contribution by Minority Rights Group International which focuses especially on ethnic issues and minority rights and the prevention of conflict. In addition, in light of the creation of a ground-breaking mechanism at the UN, i.e. the appointment of a Special Adviser to the Secretary-General on the Prevention of Genocide, we include a contribution reflecting upon its challenges and prospects.

HRI is committed to proceed with this work, but it is finally the responsibility of governments to establish and support the necessary institutional developments. We hope the historical hesitancy to commit politically, and to dedicate the very modest required resources, will soon be a thing of the past.

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## Regional Conflict Prevention in East and Southeast Asia?

By: Erik Friberg

### **Introduction**

In recent years there has been an increase in instability among several States in East and Southeast Asia, posing challenges to regional stability and human security alike. A wide range of non-traditional security threats with cross-border effects in the region include smuggling, the small arms trade, maritime crimes (including piracy), environmental hazards, unregulated and illegal migration, drug and human trafficking, and terrorism. In addition to uncertainties with regard to the Korean Peninsula and numerous maritime and territorial disputes in the region, several States are also experiencing recurring acts of political violence. All of these pose security challenges with cross-border effects, and thus require responses.\_

Ad hoc and curative/reactive regional measures to address multilateral issues of common concern include the establishment of the Association of Southeast Asian Nations (ASEAN) Troika to respond to the crisis in Cambodia, the Regional Haze Action Plan to fight the haze problem caused by the forest fires in Indonesia, and the June 2003 Framework ASEAN+3 Action Plan on Prevention and Control of SARS and other infectious diseases. However, pre-standing regional mechanisms to proactively address human security threats and prevent violent conflict remain largely absent. However, developments are underway, which with time, could develop the ASEAN and/or the ASEAN Regional Forum (ARF) into vehicles for *institutionalized prevention*, mandated and equipped to address root and proximate causes of violent conflict.

The Association of Southeast Asian Nations (ASEAN) was founded in 1967 and currently has ten member countries: Brunei Darussalam, Cambodia, Indonesia, Laos, Malaysia, Myanmar (Burma), Philippines, Singapore, Thailand, and Vietnam.  
(see [www.aseansec.org](http://www.aseansec.org))

### **ASEAN Security Community**

While it can be argued that since its inception in 1967 ASEAN has prevented its members from going to war with one another, ASEAN has generally been slow in taking hold of the existence of disputes or situations likely to disturb regional peace and stability. This was evidenced in ASEAN's non-action throughout the period leading up to the independence of East Timor. The mainly economic-oriented objectives for ASEAN, the various modalities of the 'ASEAN Way,' diversity of political regimes and disparate levels of economic development among ASEAN member States are often cited as reasons why ASEAN with its 10 members has so far chosen ad hoc and largely informal modes of cooperation. The caution towards regionalized mechanisms can be exemplified by Myanmar not allowing Ali Alatas (former foreign minister of Indonesia) to visit the country as an 'ASEAN Envoy' during the 2004

Indonesian chairmanship of ASEAN; Alatas was later received as an ‘Envoy of *Indonesia*’.

Critics could argue that the reason why Indonesia has engaged with Geneva -or Helsinki-based non-State facilitators with regard to Aceh is the very reason that the facilitators are non-State and so provide processes which can be discontinued without political consequences. Others argue that these processes take place simply due to the absence of available regional mechanisms. When the simmering dispute between Malaysia and Indonesia concerning the waters of Ambalat of the Sulawesi Sea came to a head with the deployment of war ships in March 2005 (although the situation was never likely to result in anything more than heightened rhetoric), it again demonstrated the absence of pre-standing inter-governmental mechanisms through which structured dialogue could be facilitated within the region. Tension-raising encounters invite disasters; once violence breaks out, a conflict develops its own dynamics and the chances for successful diplomacy diminish quickly.

However, ASEAN governments have recently collectively demonstrated an increased willingness to develop *institutional means* to seek regional solutions to regional challenges. Notably, the Declaration of ASEAN Concord II in October 2003 envisioned an ASEAN Security Community (ASC) by 2020. The Plan of Action for the ASC was adopted at the ASEAN Summit in November 2004 as a political and security blueprint for the sub-region. While the substantive steps towards such a community, and indeed its nature and norms, are yet to be clarified, the Plan of Action includes several references towards institutionalized conflict prevention. This includes calls for an early warning system, the enhanced role of the rotating ASEAN Chair, the role of the Eminent Persons Group (EPG), and the strengthened role of the quasi-judicial High Council. The Plan of Action also calls for the carrying out of preventive diplomacy, enhancing cooperation on non-traditional security issues and objectives including to, “mitigate tensions and prevent disputes from arising between or among member countries as well as between member countries and non-ASEAN countries, and to prevent the escalation of existing disputes.” These are welcome developments.

### **ASEAN Regional Forum (ARF)**

The *ASEAN Regional Forum (ARF)* was established in 1994 as the primary Asia-Pacific multilateral forum for political and security dialogue and now has 25 participating States, including China, the EU, the USA and Canada . The ARF is chaired by the member State chairing ASEAN, which rotates on an annual basis. While the role of the ARF remains limited (for example with regard to Korean peninsula issues), it has had success in developing confidence-building measures and promoting multilateralism in the region, notably engaging China . Participating States in the ARF have agreed to evolve the ARF through three stages: (1) promotion of confidence-building measures; (2) development of preventive diplomacy mechanisms; and (3) development of conflict resolution mechanisms.

The ARF has to date largely remained in the first stage of confidence-building measures. However, the Concept and Principles of Preventive Diplomacy were adopted at the 8<sup>th</sup> ARF meeting in 2001, and provided a consensus of how preventive diplomacy should be interpreted in the ARF context, as they move to this stage. This includes to “help prevent disputes and conflicts from arising between States that

The ASEAN Regional Forum (ARF) was created in 1994 and includes the following participants, in addition to the ten ASEAN countries listed previously: Australia, Canada, China, European Union, India, Japan, Democratic Peoples' Republic of Korea, Mongolia, New Zealand, Pakistan, Papua New Guinea, Russian Federation and the United States of America. (see [www.aseansec.org/arf](http://www.aseansec.org/arf))

potentially pose a threat to regional peace and stability.” The preceding consultations by civil society groups have been helpful in promoting agreement in terms of definitional aspects, emphasizing diplomatic non-coercive means and voluntarism/consent, and deepening understandings of sovereignty and non-interference.

The ARF has recently developed some modest structures and capacities towards preventive diplomacy. These include: (1) the enhanced role of the ARF Chair with a good office function; (2) the establishment of an ARF Register of Experts and Eminent Persons (EEPs) to assist the ARF through the ARF Chair; and (3) the establishment of an ARF Unit in the ASEAN Secretariat (in Jakarta). However, neither the ARF Experts and Eminent Persons (EEPs) nor the enhanced role of the ARF Chair has yet been clearly defined in their functions or operational natures. Following several years of drafting and deliberation facilitated in particular by South Korea, the

Guidelines for the Operation of the EEPs were adopted at the 11<sup>th</sup> ASEAN Regional Forum summit in June 2004. These guidelines describe the role of the EEPs to support the ARF through the ARF Chair, including the development of preventive diplomacy and the elaboration of approaches to conflicts in the region. The EEPs have not yet been formally activated beyond sporadic invitations to senior official meetings with their respective government when the subject is related to preventive diplomacy. The discussion continues as to whether the EEPs should have a mostly “passive” research role or a more “active” operational role in support of the ARF Chair’s diplomatic activities.

The formalization of an ARF Desk in mid-2004 within the ASEAN Secretariat was potentially catalyzing to facilitate these various institutional developments (it also reflects the fact that ASEAN countries remain in the “driver’s seat” of ARF). The ARF Unit is tasked to support and assist the ARF through the ARF Chair, and to engage with international organizations and track-II activities. However, in order for the ARF Unit to develop effective information gathering and analysis functions, resources will have to be increased, as the Unit so far comprises one Head and two staff members. ASEAN governments (and, if acceptable, also ARF-governments) could consider contributing secondments or financial resources to bolster the capacity and thereby potential of the ARF Unit. Considering its mandated tasks, a strengthened ARF Unit could also become a significant entry point for civil society to provide independent analysis and support.

### **Prospects and Challenges**

In light of recent humanitarian disasters and attention elsewhere, there seems so far to have been little to no movement from governments as to how and when the implementation of the ASEAN Security Community Plan of Action will commence. Indeed, at the moment there is uncertainty over which regional vehicle is prioritized, with increasing attention geared towards establishing an East Asia

Community to consist of, at the very least, ASEAN member States and the States in Northeast Asia. Another sub-regional inter-governmental institution, the Shanghai Cooperation Organization (SCO) in Northeast Asia has recently established institutional cooperation with the ASEAN Secretariat.[1]

Regardless of which institutional vehicle(s) pursue institutionalized operational prevention, and whether the future architecture means building on existing or creating new mechanisms, they are more likely to gain acceptance within the region when they apply a non-coercive, assistance-oriented and quiet approach. Notably, the principle of non-interference will continue to be a major feature of any such mechanism. However, the governments could consider employing the principle in a more flexible way. This could include increased willingness to cooperate with other member States – through agreed mechanisms – in trans-boundary issues, and more openness to friendly advice offered from fellow member States, provided that such advice is regulated and channeled through appropriate mechanisms, including at the sub-regional level. Certainly, the principle of non-interference does not require a policy of non-cooperation and non-involvement. Importantly, when cooperation is based upon the free consent of the State, sovereignty is fully respected. On a related note, the case has increasingly been made for a more selective use of the principle of consensus-based decision-making prevailing in both ASEAN and ARF. The formula of ASEAN-X could be one basis to consider aspects of security cooperation, as exemplified already in the “Anti-Terror Pact” between Indonesia, the Philippines and Malaysia, and which Vietnam and Cambodia subsequently joined.

The 4th ASEAN People's Assembly (APA) was held May 10-13, 2005 in Manila, the Philippines. The convening of the APA, a people-centred so-called Track III process, is based on the rationale that community building in ASEAN countries must include all sectors of society.

Rather than debating whether regional cooperation is most appropriately described as “constructive engagement” or “enhanced interaction,” the focus should be to in-regionally identify *which non-traditional security issues* would merit which regional approaches? Operationalizing the ARF Register of Experts and Eminent Persons into thematic mandates as appropriate in support of the preventive diplomacy functions of the ARF Chair and/or the ASEAN Troika, could be one way forward. A meeting in April 2005 organized by the Singapore Institute of International Affairs (SIIA) aired the idea of establishing a High Commissioner on Migration to assist in both sending and receiving governments to deal with issues that clearly have cross-border effects and thus cannot be dealt with by one State alone. A complementary line of reasoning could be to re-visit the idea of a *comprehensive* regional risk reduction centre placed within the ASEAN Secretariat, possibly under the ARF Unit with seconded government officials from ASEAN/ARF States. In line with the recent Asia-Africa summit in Bandung, Indonesia seeking to exchange experiences, the ECOWATCH system within the Economic Cooperation Organization for West African States (ECOWAS) is one example of a comprehensive arrangement which could merit a cross-regional exchange of experiences.[2] These forms of institutionalized prevention (regardless of design) could enhance, rather than threaten, the role of the participating States in addressing both natural and human threats.

While some governments are hesitant to embrace the ideas of multilateral conflict prevention, others argue that ASEAN and ARF need to develop in-regional capacities to address challenges to regional stability and peace, including for reasons of enabling a continuing favorable environment for economic development and investment. The increasingly important role of civil society in stimulating discussions to this end is demonstrated by various research and policy networks in the region, and the annual ASEAN Peoples' Assembly. Development of ASEAN and ARF towards institutionalized prevention should be welcomed by civil society in the region as providing additional means that can support the absence of violence and promote sustainable development to the benefit of all in the region.

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[1] The Shanghai Cooperation Organization (SCO) is an inter-governmental organization which was founded in June 2001 by the leaders of Kazakhstan, Kyrgyzstan, Russia, Peoples Republic of China, Tajikistan and Uzbekistan . The early goals of the SCO were mostly security-related issues. This included solving border conflicts, avoiding military conflicts, anti-terrorism, and countering militant Islam.

[2] ECOWAS has set up an early-warning system with information bureaus, collectively known as *ECOWATCH*, established in four reporting zones in Benin, Burkina Faso, the Gambia and Liberia. From these four zonal headquarters, ECOWAS officials assess political (human rights, democracy), economic (food shortages), social (unemployment), security (arms flows, civil-military relations) and environmental (drought, flooding) indicators on a daily basis. For more information on ECOWAS, see <http://www.ecowas.int> .

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Merging human rights, security and development in the Greater Caribbean:  
a partnership between Human Rights Internet and the Association of Caribbean States

By: Taryn Lesser

**A conflict prevention initiative in the Greater Caribbean**

Facing the threat of economic marginalization caused by the globalization of the world economy and increased trade liberalization, the West Indian Commission, set up by the Caribbean Community (CARICOM) in 1993, proposed the formation of the Association of Caribbean States (ACS).

[1] The primary goal of the organization was to integrate all countries and small island states bordering the Caribbean Sea – in addition to three Associate Members (Aruba, the Netherland’s Antilles, and France on behalf of French Guiana, Guadeloupe and Martinique) - in order to increase cooperation among the English, Spanish and French-speaking states that comprise the “Greater Caribbean.”



Dr. Norman Girvan, Professorial Research Fellow at the Institute of International Relations of the University of the West Indies and former secretary-general of the ACS (left), Taryn Lesser (centre), and Dr. Lancelot Cowie, Director of the Centre for Latin America and the Caribbean of the University of the West Indies (right) at a book launch for the Centre for Latin America and the Caribbean held at the Venezuelan embassy in Port of Spain.

The ACS serves as an opportunity to engage a diverse sub-region in activities of cooperation and collaboration. While the organization currently focuses on issues of trade, transport, natural disasters and sustainable tourism, potential challenges to stability - whether internal or cross-border - mount significant obstacles to its main goals of regional integration and autonomy from external hegemony. Prevention of violent conflict, therefore, is inextricably linked to the success of sustainable development in the Greater Caribbean, and the ACS, with its broad membership base and increasing focus on

economic integration and cooperation, is a unique forum in which to present this challenge.

From this perspective, Human Rights Internet, through the Greater Caribbean component of the Initiative on Conflict Prevention Through Quiet Diplomacy, has partnered with the ACS to advance programs on conflict prevention, focusing on the link between peace and development. The first joint activity, a workshop on “Building a Culture of Peace and Preventing Conflict in the Greater Caribbean,” took place in January 2005 in Port of Spain, Trinidad at the ACS Secretariat. In order to introduce the possibility of forming a dedicated conflict prevention mechanism for the ACS, senior members of the organization’s staff, local representatives from UNDP, UNESCO, the Economic Commission for Latin America and the Caribbean (ECLAC), and various experts from the University of the West Indies, the Latin American Faculty of Social Sciences (FLACSO), the Regional Coordinator of Economic and Social Research (CRIES) and other non-governmental organizations were invited to participate in the workshop. The goal of the event was to engage the participants in a brainstorming session, taking into account the institutional and political challenges prevalent in the region and facing the ACS.

The seminar was successful in that it introduced some new ideas for all attendees and they informally agreed to support the project in future endeavors. Due to the productive dialogue and exchange of views among the participants, there was a willingness to move forward to plan a regional, policy-oriented seminar that would broaden the discussion and engage government officials. The government of the Dominican Republic agreed to host the seminar, scheduled for September 2005 in Santo Domingo . The seminar will follow the Fourth Summit of the Heads of State and Government of the ACS Member Countries that will be held in Panama in July 2005, at which it is hoped political support at the highest level will be given for general conflict prevention initiatives. Before the seminar, contacts will be made or strengthened to widen support and to disseminate the ideas and essential elements of the approach among both governmental and non-governmental actors.

### **Intra-Caribbean migration and potential challenges to stability**

Within the context of developing a multilateral system of institutions and mechanisms devoted to preventive and quiet diplomacy in the Greater Caribbean, the ACS Secretary General Rubén Silié has identified intra-regional migration as a key issue. Migration caused by various push and pull factors is increasing the movement and mixing of people and creating social and economic pressures that have the potential to evolve into tensions within and between states, affecting stability and development in the region. So far, little policy-oriented thinking has been directed towards the better management of such migration, not only to prevent violent conflict, but also to manage migration in a law-respecting and constructive manner through cooperative arrangements involving governmental authorities and civil society organizations.

The International Organization for Migration (IOM), Human Rights Internet and the ACS have agreed to engage scholars and policy-makers to comment on various aspects of intra-regional migration and conflict potential, with the intention to publish a book of approximately 10 chapters. The participants of the January workshop were invited to offer ideas for potential case studies and themes to be addressed in the compilation, as well as possible contributors. In preparation for the publication, contributors will be

invited to participate in a colloquium in San José in August 2005, which will include an informal presentation of research topics and an interactive dialogue about the themes addressed in the publication.

The publication will be the first volume devoted exclusively to assessing the linkage between intra-regional migration and potentially violent conflict in the Greater Caribbean. As such, the compilation will focus on the current migration trends and themes within the Greater Caribbean that pose challenges to stability and that may provoke violence. The work of as many local scholars and practitioners as possible will also be included, thereby enhancing the intra-Caribbean perspective.

The ultimate goal of the publication is to stimulate policy development, including concrete recommendations through informed debate about the relationship between intra-regional migration and potential conflict. The ACS plans to publish the compilation in its three official languages - English, Spanish and French - thereby increasing the availability of migration/conflict-related scholarship. Following the publication, a book launch is tentatively planned for November 2005 in Port of Spain, Trinidad in conjunction with the fourth annual IOM/UNHCR Joint Regional Seminar. The event will be co-hosted by the ACS, and will include 60 to 80 participants from Caribbean governments, the UNHCR, and IOM.

### **The state-civil society link**

On the basis of the publication and other related work, advances are being made in the Greater Caribbean context in developing an effective instrument for conflict prevention through quiet diplomacy that is capable of addressing issues in the region that constitute contemporary challenges to peace, security and development. These issues cannot be effectively addressed alone, and thus require a cooperative approach to solve them. The support of the ACS, and especially the current Secretary General, has been critical and constitutes an important opportunity for future positive action that joins the responsibility of state authorities with the interests of civil society. The success of the initiative in the Greater Caribbean will be additionally bolstered by two key elements: (1) enhanced commitment to ACS activities by Member States vis-à-vis domestic interests, and (2) the strategic involvement of civil society in ACS conflict prevention initiatives.

It should be made clear that the ACS was not established as an organization with a “political” mandate, but rather primarily for “consultation, cooperation and concerted action,” addressing the issues of globalization and the progressive liberalization of hemispheric trade relations. This limits the capacity of the organization to intervene in potentially violent conflict-related matters of the state, as well as lessens the importance of the organization at the national political level.

While many ACS Member States have taken a genuine interest in the potential benefits of regional cooperation and participate actively in summits and forums, some do not seem to fully comprehend or appreciate the opportunities that the organization might provide. This may partly be a reflection of the diversity in national interests among members, as well as a previous organizational emphasis on administrative and technical matters. Recent efforts by the current Secretary General to call attention to

potential ACS resources is a step in the right direction, but the challenge will be to integrate Member States into current and new ACS activities while taking into account their diverse domestic interests. Only when national governments are fully engaged with the organization and realize its potential will they respond positively to the development of conflict prevention-related projects. As such, an increased agenda of awareness-raising and institution-building is critical.

One fundamental way to move a conflict prevention agenda forward and ensure its success is to involve civil society. There are currently various movements spearheaded by non-governmental organizations focused on the sustainability of regional integration by taking into account, for example, human rights and environmental issues. Former ACS secretary-general Norman Girvan notes that by being less bureaucratic and more flexible than the existing official structures, these movements are well-placed to promote a social agenda within integration processes at the popular level. Therefore, efforts put forth thus far by the Initiative on Conflict Prevention Through Quiet Diplomacy have centered on fortifying the commitment of non-governmental actors and promoting joint on-going activities on conflict prevention so as to promote a collaborative approach and to avoid duplicating efforts.<sup>[2]</sup>

With the participation of universities, non-governmental organizations, and United Nations representatives, the January workshop laid the foundation for the future engagement of ACS Member States. The strategy is that the support of carefully-selected representatives of these organizations will help build future partnerships with responsible authorities at the governmental level. Once these partnerships have been formed, the Initiative will seek to aid Member States build institutional capacity in areas of governance, early warning of threats to stability, and multilateral negotiation, thereby creating conditions for sustainable peace and development.

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[1] Recognizing CARICOM needs to widen and deepen its trade and economic linkages within the region, and having suffered considerably from economic decline during the 1980s, the West Indian Commission was established in 1989, which later recommended an organization such as the ACS that would include an expanded membership base. For information on the origins of the ACS, see Report of the West Indian Commission, *Time for Action* (The Press-University of the West Indies; Mona, Jamaica, 1993). For more information on the mandate and current activities of the ACS see <http://www.acs-aec.org/about.htm> . For a comparison with CARICOM, see <http://www.caricom.org/>.

[2] It should be noted that various non-governmental movements that focus on conflict prevention are partnerships with UN bodies, such as UNESCO and UNDP. Joint HRI/ACS activities have therefore also included collaboration with such agencies.

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## Conflict prevention and human rights in the Pacific Islands

By: Craig Collins

Recent violent conflicts within countries of the Pacific Islands region, though not always capturing international attention, illustrate a reciprocal relationship between conflict prevention and human rights: that conflict prevention safeguards fundamental rights by promoting human security, effective governance, rule of law and sustainable development, and that the protection of human rights can in turn – by promoting these same ‘goods’ – prevent conflict from starting in the first place.

In the past, the stereotypical image of the Pacific region was one of peacefulness and tranquility. Today, violence is not the norm, but it has recently shaken a number of Pacific countries, with many others suffering from a general deterioration in capable governance, law and order, and economic viability. Economic crisis now grips Nauru, while considerable political uncertainty exists in New Caledonia, Samoa, Tonga and Vanuatu . Small size, isolation, limited resources, poor infrastructure, rapid population growth, high unemployment, increasing urbanization, and environmental degradation make Pacific Island countries particularly vulnerable to internal dynamics and global economic trends. Recent experience in three countries, Fiji, Papua New Guinea and Solomon Islands, shows that internal and external pressures can produce inter-group tensions and overt violence.

Where violence has erupted basic rights, economic development and human security have all been threatened. This experience, not unique to the Pacific, provides valuable lessons for future conflict prevention initiatives both within and beyond the region at local, national and regional levels.

**'Citizens often find themselves protected neither by the State nor traditional systems, generating a sense of alienation from both.'**

Pacific countries that have recently experienced internal violent conflict are the Melanesian countries of Fiji, Papua New Guinea and Solomon Islands . In Fiji , the struggle over the country’s political system, culminating in an armed coup in 2000, remains largely unresolved. Indigenous and Indo-Fijians continue to seek improved social relations and a sustainable power-sharing arrangement that can effectively address inter-group tensions. In Papua New Guinea (PNG), armed struggle from 1988 to 1997 in the Bougainville province destroyed communities and claimed thousands of lives. Persistent instability elsewhere in the country has been characterized by inter-group conflict, a high crime rate and the loss of State control over certain provinces, some awash with illicit arms. In neighboring West Papua (Irian Jaya), there has been a low intensity conflict between various factions and Indonesian armed forces for the past thirty years, with an estimated 100,000 civilian

deaths. Lastly, the outbreak of conflict in 1998 between two groups in Solomon Islands, a subsequent coup in 2000 and a largely ineffectual peace agreement led to economic collapse and deterioration in governance and law and order. Unable to provide security to all its citizens, Solomon Islands was labeled a “failing” State by some observers. In July 2003, a decision was taken to dispatch to the country an Australia-led regional intervention force of more than 2,000 police and military personnel – the largest force mobilization in the Pacific since World War II.

This brief exploration of the Pacific Islands context suggests a number of challenges. Democracy with capable and effective governance eludes many countries in the region. Traditional social structures and leadership processes are increasingly tested by external pressures, and in many places show gradual weakening. Citizens often find themselves protected by neither the State nor traditional systems, generating a sense of alienation from both. In a number of Pacific countries, there is a plentiful supply of weapons with the potential to intensify violence. Ethnic diversity in Melanesian societies like PNG, home to 800 languages and a multiplicity of identity groups, poses a significant challenge to inclusive, consensus-based political processes. This is not to say however that these conflicts are “ethnic” in nature. Root causes of tensions are often elsewhere – linked in many cases to the insufficient protection of fundamental rights and to specific claims being left unaddressed.

Proactive approaches to safeguarding rights and addressing competing claims in Pacific States are therefore crucial to more effective conflict prevention efforts, upon which both human security and sustainable development ultimately depend. A number of Pacific civil society groups and NGOs are working to that end, raising awareness of human rights issues through advocacy, education and training. Some promote constitutional reform and legal redress for violations of civil and political rights. Among national governments however, the Fiji Human Rights Commission is the only official body of this nature outside of Australia and New Zealand. At the regional level, the Pacific Islands Forum, the Pacific’s 16-member intergovernmental organization, is increasingly focused on security and conflict issues. It is actively promoting broader regional cooperation for conflict prevention through its new “Pacific Plan”.

Greater attention, however, is needed to better address the root causes of tensions – often linked to social and economic rights, land and resource use, cultural identity, and traditional and formal leadership. Had, for instance, democratic rights in Fiji, equitable distribution of the benefits of resource extraction in PNG, and employment opportunities in Solomon Islands been assured, key sources of tension would have been addressed and violence likely averted. Pacific Island governments formally recognize the range of human rights underlying these issues, but future conflict prevention will depend upon their willingness and ability to guarantee those rights.

Fiji, Papua New Guinea and Solomon Islands, like many countries that have experienced violent conflict, have seen their governance, rule of law and economic growth undermined by it. The damage wrought by these conflicts on individual human lives and the social fabric of each country is incalculable and often irreparable. To prevent the repetition of these hard lessons elsewhere in the Pacific, and thus ensure human security and much-needed development throughout this fragile region, national governments and regional institutions will need to engage with civil society, religious and customary leaders to identify and address the underlying causes of tensions long before they lead to

violence.

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**For further reading and information:**

Heijmans, Annelies, Nicola Simmonds & Hans van de Veen, Eds. *Searching for Peace in Asia Pacific*. Boulder : Lynne Rienner. 2004.

*Pacific Human Development Report 1999*. United Nations Development Programme. [http://www.undp.org.fj/Pacific\\_Human\\_Dev\\_Report\\_1999.htm](http://www.undp.org.fj/Pacific_Human_Dev_Report_1999.htm)

Pacific Islands Forum Secretariat: <http://www.forumsec.org.fj>

Citizens' Constitutional Forum (CCF): <http://www.ccf.org.fj>

Ecumenical Centre for Research, Education & Advocacy (ECCREA): <http://www.eccrea.org.fj>

Pacific Concerns Resource Centre (PCRC): <http://www.pcrc.org.fj>

Fiji Human Rights Commission: <http://www.humanrights.org.fj>

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## Conflict prevention and the rights of minorities and indigenous peoples

By: Chris Chapman, Minority Rights Group International

*“[T]he promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities contribute to the political and social stability of States in which they live.”*

In 1992, every single member state of the United Nations agreed with this statement. It is contained within the preamble of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, adopted without a vote by the UN General Assembly in December of that year (see A/RES/47/135).

Furthermore, academic and empirical research appears to confirm the assertion. Ted Robert Gurr’s Minorities at Risk programme at the University of Maryland, in the U.S. , which monitors some 275 ethnic and religious groups using a variety of political, economic and social indicators, has documented “the existence of strong global trends in the 1990s toward accommodation of the interests of national and minority peoples. Political and cultural restrictions are declining, and so is the incidence of new ethno-political conflicts.” In order to reinforce these trends, Gurr argues for “continued international support for non-discriminatory policies, recognition of group rights, and provision of sub-state autonomy.”[\[1\]](#)

Nevertheless, many states continue to commit wide-scale violations of the rights of minorities and indigenous peoples. [\[2\]](#)

So why do so many states resist implementing minority rights, particularly in situations where there is a risk of violent ethnic or religious conflict? What should be the approach of national and international actors with an interest in resolving such issues? Both the International Commission on Intervention and State Sovereignty and the UN Secretary-General’s High-Level Panel on Threats, Challenges and Change concluded that when sections of the population are at risk of widespread violations and/or violence, there is an obligation on the international community to protect them, and ideally to prevent violations from happening in the first place.

Of such states, there is a category whose political elite, or sections of it, are motivated by an inherent suspicion of particular groups, possibly with deep historical roots; in extreme cases, a racist or

**'International actors may be able to provide expertise in helping to reconcile differences or to package accommodation measures to make them more attractive.'**

fundamentalist ideology may be at work, such as in Sudan, or in Rwanda prior to 1994, and in such states genocide is a very real risk. Here, the room for manoeuvre for national actors may be extremely small, and the international community may also have limited options, ranging from diplomacy initiatives intended to show clearly to the state the cost of such actions, through sanctions, to peace-keeping operations and military intervention.

A further category of states may have a certain commitment to respecting human rights standards, democratic principles and good governance, but for various reasons, ranging from technical limitations to simple misconceptions, they are reluctant to accommodate the concerns of specific groups. Strategies for bringing about positive change in this category may be more varied, and probably less costly, provided action is taken at an early stage. If Gurr's conclusion is true, we are already on the right track.

One option for international actors is preventive diplomacy, and a successful example of this at the regional level has been the High Commissioner on National Minorities (HCNM) of the Organization for Security and Cooperation in Europe . The HCNM identifies situations where there are tensions between minority groups and the state, and takes action at as early a stage as possible, visiting the state, meeting with representatives of both the government and the minority group(s), and developing constructive proposals for a resolution of the tensions, based on respect of human rights standards and principles of good governance.

Another option is for international organizations such as the United Nations to provide governments with technical assistance. A new report of the UN Office of the High Commissioner for Human Rights (OHCHR) states that the UN has been recommended to make available, at the request of governments concerned, qualified expertise on minority issues, including the prevention and resolution of conflict, and to assist in existing or potential situations involving minorities. The recent review of OHCHR's Technical Cooperation Programme also recommends a stronger focus on vulnerable/disadvantaged groups and one course of action would be for the OHCHR to develop a plan of action in consultation with governments and other interested parties for the provision of technical assistance on strengthening mechanisms of dialogue for the effective participation of minorities, and the use of the High Commissioner's good offices on minority issues.[\[3\]](#)

So what are some of the more common reasons for states resisting implementing minority accommodation measures, and what might be some of the strategies for addressing them? A common reason is paranoia caused by ethnic/religious diversity within a territory, leading to a fear that the state will break up. In such cases, the state may take a "give them an inch and they will take a mile" attitude, fearing that concessions to groups will embolden them to seek secession. However, the evidence does not support this perception. There have been a small number of examples of successful drives for secession in recent years, but these have either happened as a result of an amicable solution reached by both parties, or have been preceded by large-scale violations carried out by the state against the population concerned. The former HCNM, Max van der Stoep, has argued, based on his direct practical experience that, "it would be wrong to consider any concession to a minority as a weakening of the state. It ought not to be forgotten that meeting wishes of a minority within the constitutional framework of a unitary state might even strengthen the state, because the removal of major sources of its dissatisfaction

will strengthen the willingness of a minority to identify with the state.”[\[4\]](#)

The government may fear real or perceived public opposition to measures to accommodate certain groups, particularly when historical grievances are entrenched, and therefore fear losing power either violently or through the election process. In practice, public opposition may be exaggerated by hostile media, or national actors opposed to a peaceful resolution of issues may enflame public feeling by spreading propaganda. National actors, such as civil society organizations working with minority/indigenous communities, can provide valuable insight into such dynamics, and possibly help to eradicate certain myths and bridge gaps. International actors may be able to provide expertise in helping to reconcile differences or to package accommodation measures to make them more attractive. In Turkey, the possibility of membership in the European Union has helped in “selling” measures to accommodate groups such as the Kurds.

**"The government has an obligation to provide services to the entire population without discrimination."**

The government may simply misunderstand minority/indigenous peoples' rights as violating the very principle of non-discrimination and implying privileges for certain groups. It should be emphasized that nothing could be further from the truth. The objective of minority/indigenous peoples' rights is to eliminate the discrimination and

marginalization of vulnerable groups, and to ensure that their identity, culture, religion and language are protected. Special measures are often needed to achieve this where it would not be for the majority of the community, simply because their numbers, or social, political or economic position, make them more vulnerable. Technical assistance by international actors, and advocacy by national civil society, may help to achieve a better understanding of this principle.

The state may have very limited resources, and minority accommodation measures, such as providing appropriate services in minority areas, may cost money. Here national and international actors may need to remind governments of the obligation to respect international standards. The government has an obligation to provide services to the entire population without discrimination. It should not be forgotten that members of minorities and indigenous peoples also pay taxes. In some cases, appropriate services may entail greater investment of resources; for example, in order to overcome economic marginalization, a minority community may require schools where instruction is provided in both the minority and majority languages. International actors may also be able to act as an intermediary; for example, the HCNM has in some cases been successful in lobbying inter-governmental bodies to provide support, including financial assistance, to states to implement accommodation measures.

A key to successful engagement in ethnic/religious conflict is action at an early stage before grievances and positions become entrenched. This points to a need for close monitoring of situations, such as through early warning systems. While there is a proliferation of early-warning systems within the various agencies of the United Nations, academia and civil society, sometimes with differing thematic specializations, there is no real framework for drawing together these mechanisms, eliminating

duplication and maximizing the potential for identification of risk situations (and positive opportunities) at the earliest opportunity.

With regard to specific measures to prevent conflict affecting minorities, positive developments include the establishment in 2004 by the UN of a Special Adviser to the Secretary-General on the Prevention of Genocide, and initiatives taken by the UN Committee on the Elimination of Racial Discrimination to strengthen its contribution to genocide prevention.<sup>[5]</sup> Another key principle is to work with civil society actors at all levels, including at the local level. Such actors can provide crucial information regarding early warning, first-hand understanding of the needs and positions of communities, and the impact of government actions on those communities.

Finally, the United Nations has not had as much success in developing effective specialized mechanisms for dealing with minority issues as some regional organizations, such as the Organization for Security and Cooperation in Europe (OSCE) and the Council of Europe. The High-Level Panel on Threats, Challenges and Change specifically recommended that the UN “should build on the experience of regional organizations in developing frameworks for minority rights.”<sup>[6]</sup>

The options that the UN may consider include a preventive diplomacy mechanism, such as a Special Representative of the Secretary-General on Minorities, or a Special Adviser on Minorities within the OHCHR, who, among other tasks, could play a role in coordinating technical assistance to states on minority issues.

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## **Suggested Web Links for Further Information**

University of Maryland’s Minorities at Risk Program - <http://www.cidcm.umd.edu/inscr/mar/>

International Commission on Intervention and State Sovereignty - <http://www.iciss.ca/menu-en.asp>

Office of the High Commissioner for Human Rights - <http://www.ohchr.org/english/>

Report of the UN Secretary-General’s High Level Panel on Threats, Challenges and Change - <http://www.un.org/secureworld/>

The Organization for Security and Cooperation in Europe’s High Commissioner on National Minorities - <http://www.osce.org/hcnm/>

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[1] Ted Robert Gurr, “Peoples Versus States: Minorities at Risk in the New Century,” (Washington: United States Institute of Peace Press, 2000), p. 211.

[2] The link between minority rights and conflict prevention, both in standards and research, has been more strongly developed than the link between indigenous peoples’ rights and conflict prevention. However, the conclusions of this article may apply equally to both minorities and indigenous peoples (and, for example, the groups covered by Gurr’s research include both). This in no way implies a desire to conflate the two categories. The author and Minority Rights Group International argue for the primacy of self-identification with regard to the identity of both individuals and groups.

[3] Report of the High Commissioner on the rights of persons belonging to national or ethnic, religious and linguistic minorities (submitted to the Commission on Human Rights), E/CN.4/2005/81, 1 March 2005.

[4] Statement of the High Commissioner, Nov. 6, 1998, in W.A. Kemp, “Quiet Diplomacy in Action: the OSCE High Commissioner on National Minorities,” ( The Hague : Kluwer Law International, 2001), p108.

[5] These initiatives are within the context of the Thematic Discussion on the Prevention of Genocide held by the Committee on 28 February – 1 March 2005.

[6] “A more secure world: Our shared responsibility”, Report of the Secretary-General’s High-Level Panel on Threats, Challenges and Change, United Nations, 2004.

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## Reflections on the pursuit of conflict prevention in the Greater Caribbean<sup>[1]</sup>

By: Norman Girvan

It is useful to begin a full discussion of the *problematique* with local actors, including the choice of language that is used. This is not an academic matter. Words such as ‘conflict’, ‘conflict prevention’ and ‘quiet diplomacy’ may mean different things to different people and in different situations. The sources of conflict and the priorities for conflict prevention may be different in the Caribbean from what they are in Latin America and in Europe. Local actors have to be empowered in ‘setting-up’ the problem and the action plan. Without this, there is the danger that the process will be externally driven, and will lack effectiveness and sustainability.

A cursory review of recent history might suggest that conflict problems in the Greater Caribbean are much more *intra-State* than *inter-State*. With the exception of the ‘Soccer War’ of 1969, I am not aware



of a conventional inter-State war in the region in recent times. In Central America in the 1980's civil conflict in several countries threatened to become regionalized, but since the 1990's this threat largely receded. Nonetheless, we should not overlook the existence of border disputes between several States, including the potential of these disputes to erupt into military confrontations. Conflict prevention processes are evidently relevant here.

By contrast, open violence is very much a part of the intra-State scenario in the region and what is equally significant is that it comes in a variety of shapes and forms and from several sources. From my perspective, I can think of the following six types:

**Political violence**, such as that of the Jamaican election in 1980, the civil wars in Central America in the 1980's, the attempted *coup d'état* in Trinidad and Tobago in 1990, and the on-going conflict in Colombia: These examples differ widely from one another in their form, origin, and contextual specifics, which shows that conflict prevention is not necessarily a simple matter. For example, it is often argued that democracy is one means of conflict prevention. This may well be the case in undemocratic systems of government (in the case of Central America). On the other hand, there are situations where democracy can *encourage* conflict, such as when the prize of a democratic election is control over the resources of the State in a 'winner take all' system (in the case of Jamaica). A sub-typology of political violence may be necessary.

**Ethnic violence**, often connected to political violence, as in Guyana in the early 1960s: Interestingly, sovereignty has also been suggested as an antidote to conflict, but in Guyana, it was the imminence of the attainment of sovereign nationhood that served as a trigger to ethnic violence, by throwing into stark relief the political question of 'who will take the power' from the colonial authorities. So, both 'democracy' and 'sovereignty' have a complicated relationship to violent conflict in specific historical settings.

**Violence associated with transnational crime, narco-trafficking and the illegal arms trade:** This is not only a big problem in the region, it seems to get bigger with every passing day in countries like Jamaica, Trinidad and Tobago, El Salvador and Honduras, where homicide rates have simply soared in recent years. Adding to the lethal cocktail is the influx of criminal deportees from the United States and the growing concentration of unemployment and poverty among young males in urban areas throughout the region. This violence is connected to the next type identified below.

**Community violence:** meaning violence within and between communities, usually within urban areas, which have their origin in political affiliation or in the struggle over control of the drug trade, extortion rackets, and the like. Here one should note the encouraging results of a community-based intervention strategy in Jamaica, called the 'Peace Management Initiative.'

**Domestic violence:** spouse and child abuse are widespread phenomena in the region, as shown in newspaper reports and the reports of government agencies and NGOs. Conflict prevention is surely relevant here, but by what means? Here it is equally important to find out what initiatives are now being undertaken in the different countries and to learn from their experiences.

**Violence in schools:** This is a recently growing phenomenon in several Caribbean countries whose connection with other social trends and economic conditions is still imperfectly understood. An example of an intervention strategy is the Jamaican programme 'Peace and Love in Schools' (PALS).

In conclusion, the sources, nature, and possible solutions to violent conflict are many and varied within the region. It is no doubt true that all types of violence affect the enjoyment of human rights, the prospects for social and economic development, and life for all in dignity. It is vital to effectively address such realities, first by sitting down and discussing these questions with a representative group of actors - community, national and regional governments, and non-governmental participants. Let us find

out what people think about these problems and what their priorities are. Let us find out what they are already doing in terms of conflict prevention and promoting a culture of non-violent resolution for disputes. In short, let us ensure that we further empower those within the region who are working to this end.

*Norman Girvan is a Professorial Research Fellow at the University of the West Indies Institute of International Relations. He is also the former secretary-general of the Association of Caribbean States.*

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[1] This article is an adapted from remarks made by Prof. Girvan at an ACS/HRI “Workshop on Promoting a Culture of Peace and Conflict Prevention in the Greater Caribbean”, Port of Spain, 28 January 2005

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## Genocide prevention and the UN: The potential of the Special Advisor to the Secretary-General

By: Erik Friberg

*“At [UN] Headquarters there was not sufficient focus or institutional resources for early warning and risk analysis.”* - Independent Inquiry into the action of the UN during the 1994 genocide in Rwanda.[\[1\]](#)

### **Introduction**

The UN is currently not organized in such that the substantial and substantive information gathered through the various mechanisms of the UN human rights machinery in Geneva is brought together in a focused way, so as to better understand complex situations and thus be in a better position to take appropriate action. In short, there is a significant gap between the calls for effective conflict prevention and the institutional capacity of the UN as a whole.[\[2\]](#) One reminder of this disconnect is the genocide of some 800,000 Tutsis in Rwanda in 1994, which was surely preventable as it had been foreseen in the August 1993 report of the UN Special Rapporteur on extrajudicial, summary or arbitrary executions.[\[3\]](#)

With several relevant UN reform proposals currently under discussion (including a Mediation Support Unit, a Peacebuilding Commission and a revamping of the human rights machinery), one recent institutional development to strengthen the UN capacity to systematically prevent future genocides was the creation in 2004 of the position of a UN Special Advisor to the Secretary-General on the Prevention of Genocide (hereinafter referred to as the ‘SASGPG’). How can the SASGPG become an effective tool, within the UN, to prevent future genocides?

### **UN Special Advisor to the Secretary-General on the Prevention of Genocide (SASGPG)**

The post of a SASGPG was suggested by the UN Secretary-General in early 2004, as part of a larger Action Plan on the Prevention of Genocide.[\[4\]](#) On July 12, 2004, the UN Secretary-General named Juan E. Mendez, a human rights advocate, lawyer and former political prisoner from Argentina, as his first SASGPG, and provided the mandate.[\[5\]](#) The SASGPG is located in New York, holds a 40 per cent position and is assisted by a staff member from the UN Department of Political Affairs (DPA) and a staff member from the Office of the UN High Commissioner for Human Rights (OHCHR).

April 2005 marked the 90th anniversary of the beginning of the atrocities committed towards Armenians and Assyrians in Ottoman Turkey (1915), the 60th anniversary of the end of the World War II and the liberation of the Jews, Roma and other survivors from Nazi concentration camps (1945), and the 30th anniversary of the fall of Phnom Penh to the Khmer Rouge in Cambodia (1975).

## **Mandate and approach**

The SASGPG's mandate to address *prevention* in relation to 'genocide or related crimes' indicates that the SASGPG may become involved in situations when the prospects for genocide are quite distant, including addressing situations that run the risk of resulting in ethnic cleansing and gross violations of human rights. Mendez has stated that he should "not be extremely tied to an overly technical definition of genocide", and that, "since the task is one of prevention, you have to act even before all of the elements of the definition fall into place."<sup>[6]</sup> Indeed, the mandate explicitly states that the Special Advisor is *not* intended to make a determination on whether genocide within the meaning of the Genocide Convention<sup>[7]</sup> has occurred or not. The function of the SASGPG is not to prosecute, judge or punish, but rather to focus on concrete conditions and issues where practical assistance and support can be provided.

The SASGPG will need to develop a sensitive but determined and operational approach. The mandate stipulates that "[t]he methodology employed would entail a careful verification of facts and serious political analyses and consultations, without excessive publicity," and the purpose of activities to be "practical and intended to enable the United Nations to act in a timely fashion." The verification of facts within the mandate opens the door for fact-finding missions, while consultations could take the form of facilitating in-country roundtables. By avoiding excessive publicity, the SASGPG could function as a 'friendly advisor' to warring parties alike, and thereby build confidence among all stakeholders, including governments. Not only must the SASGPG be independent, impartial, consistent and a person of integrity, he or she must also be viewed as being such. In addition to building confidence among the primary stakeholders, it will be crucial to build confidence among institutional partners within the UN system in order to mobilize resources beyond the SASGPG's evidently under-staffed office. Indeed, there are several examples from the past where mechanisms and 'special offices' have been isolated within the UN system. By employing and communicating a fundamentally assistance-oriented approach of what the SASGPG will do, and what he or she will *not* do, and by complementing the activities of other institutional actors within the UN, such clarity could be one way to build important intra-UN confidence.

Another consideration is whether the SASGPG should take on operational responsibilities, such as actively seeking to facilitate mediation between actors in a particular situation. This could be useful if the SASGPG would hold comparative advantage to do so. However, as the SASGPG is unlikely to constitute the main interlocutor of the international community, the SASGPG should rather seek to offer complementary services and activities. This could include arranging in-country or regional workshops aimed at fostering inter-communal tolerance where expressions of hate speech have been directed at certain populations at risk. The SASGPG can also (with authority) share the experiences of the significant human and economic costs when inter-communal tensions elsewhere have turned into organized violence. The SASGPG could seek to strengthen the core of moderates on all sides and support them (and encourage them to also involve others) to address contentious issues through inclusive political processes, as opposed to violent means. As the SASGPG is to work without excessive publicity, this approach will also serve the function of enabling political space for disputing parties, including governments, to adjust policies and positions without being seen as doing so (i.e. not losing

face within respective constituencies). Once identified with such an approach, this could encourage States who for (arguably) uninformed reasons may be initially hesitant to extend a standing invitation to the SASGPG.

## **Resources**

Considering the clearly insufficient 40 per cent position of the SASGPG supported by just two staff members, it is hard to imagine a larger discrepancy between resources allocated and the importance of the issues at stake. While secondments from governments can be sensitive, and the first SASGPG appears to prefer ‘starting small,’ although it could well be considered to enlarge the capacity of the office through contributions from experts nominated by governments or independently recruited professional staff.

In light of the current meager resources of the SASGPG office, the indirect support of Non-Governmental Organizations becomes all the more important. Collaboration between NGOs could provide independent assessments within their field of expertise to the SASGPG’s office (which the SASGPG obviously would decide whether to act upon or not). It would, for example, appear warranted if well-reputed organizations such as Minority Rights Group International, with its 40 years of expertise on inter-communal issues and minority protection around the world, were to establish links and synthesize and analyze information from sources (mentioned below) and cooperate with the SASGPG in an informal, yet supportive capacity.

## **Information, Analysis and Actions**

The office of the SASGPG can act as a focal point for early warning information coming from any source inside or outside the United Nations system. The use of indicators is a necessary, but not sufficient, basis for evaluating situations at risk. Indicators would need to be complemented with contextual analysis of State capacity, governance, media and current and future events. The information management would need to develop a methodology drawing on past experiences (incl. from The Early Warning and Preventive Measures project initiated by the Executive Office of the Secretary-General in 1998) and include indicator-based systems such as from the SIPRI Armed Conflict Database, non-indicator based analysis from the International Crisis Group, and research-based sources of information such as the Minorities at Risk project at the University of Maryland, and the Human Security Index at the University of British Columbia.<sup>[8]</sup> This being said, extensive UN information could well provide the bedrock of information. Indeed it is likely that the SASGPG will be simply overwhelmed. An effective system of information management and communication strategy is thus essential. It will be important to strike an appropriate balance between quantity of information and its quality in accuracy and reliability.

In stressing that the primary responsibility rests on national governments, the SASGPG should base his or her analysis and recommendations on a normative framework, conveying (and explaining) existing international standards. The function of a

On Sept. 30, 2004 the SASGPG stated that, "the vulnerability of certain ethnic groups" and "the instability of the situation generally" are such that "we have not turned the corner on preventing genocide from happening in the future or even in the near future in Darfur."

<http://mumbai.usconsulate.gov/wwwwashnews2657.html>

‘normative intermediary’ translating standards into concrete policy options could draw upon the proven function of the Organization for Security and Cooperation in Europe (OSCE) High Commissioner on National Minorities. [9] In this regard, the SASGPG may offer his or her own interpretation of such standards,

including specific cases or through general recommendations, and thus contribute to a body of ‘soft jurisprudence.’

It requires strategic planning to determine whether, when and how the SASGPG will inform the Secretary-General, including the appropriateness of bringing a situation to the attention of the Security Council, and there are similar questions with regard to other possibly ‘independent’ tools of action at the SASGPG’s disposal (including fact-finding missions for verifications and consultations). Should the SASGPG commence with the most urgent cases? In order to build trust in the mandate and approach, it could be useful to focus on multiple situations simultaneously, and seek to establish some early ‘success,’ however small. This might mean the most urgent situation, but it could also mean engaging in a dialogue with member States and populations where tensions are far less acute. In order to develop the ‘routine’ of in-country visits, it could be helpful if a few ‘friendly governments’ extend invitations to the SASGPG, who could for example hold in-country consultations on, for example, issues such as education, culture and language.

### **Actions to Date**

The first SASGPG has not been serving in this position for enough time to merit a deep analysis. By April 2005, the SASGPG reported he had issued five notes to the UN Security Council on Darfur, one note on the Democratic Republic of the Congo (DRC) and one note on Cote d'Ivoire.[10] The notes have addressed a variety of issues, for example the letter regarding DRC focused on the need to establish protection zones for civilians especially in the east of the DRC and near the borders with Burundi and Rwanda. However, so far it is uncertain what, if any, effect these notes have had on the actual situations.

### **Conclusion**

While 2004 saw international events and gatherings commemorating the 10 years since the genocide in Rwanda, the international community remains unable to effectively address the tragedy in Darfur, which is merely the latest situation labeled by the UN as ethnic cleansing, and by some quarters, genocide. The establishment of a SASGPG should be welcomed as a new actor in the range of instruments which could assist in developing effective genocide prevention capacity within the UN. Both governments and non-governmental actors should support this new mechanism; the former by offering resources and inviting the SASGPG for in-country visits, and the latter by providing systematic independent analysis on situations that merit the attention and engagement of the SASGPG.

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### Further readings:

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## Building Multilateral Conflict Prevention Capacity in Latin America

By: Juan-Antonio Blanco

It seems overdue for Latin America to explore the idea of creating a more appropriate structure for *very early, preventive, consensual diplomacy*. Democratic governability has proven to be a difficult task after several Latin American presidents lost their jobs to crises that appeared “written on the wall,” but which they were unable to prevent from occurring.

Following the global pattern, most of the conflicts that now exist and have the potential to escalate on the continent are *internal* to these countries. The possibility of inter-State conflict still remains, but its likelihood is much reduced and its potential for spillover is less likely still. By contrast, the destabilizing and otherwise negative effects both within and beyond borders of intra-State conflicts, of varying kinds, persist.

In Latin America we are witnessing several types of conflict situations. Some, such as that in Colombia, are in an advanced stage of development. Others are at an early stage and are already having a negative impact on the governability of several countries.

The latter can be differentiated into several categories according to the actors, social context and issues involved. Some have to do with minority or indigenous peoples’ rights, others relate to the use of local (and sometimes transfrontier) resources, such as water. Most have to do with the deterioration of social relations and standards of living affecting the poor, but particularly the middle classes resulting from the incapacity of the local economies to operate in an efficient and equitable fashion, the rigid imposition of some IMF financial dogmas, and the burden of the external debt on their economies. In an increasingly globalized world, the precipitations of these conflicts are many.

*'Specifically, the need for a quiet, early, preventive and rather consensual style of diplomacy... is becoming more evident all the time.'*

In the recent past, various governments came down in a row in Ecuador as a result of indigenous peoples’ social rebellions. Major turmoil exploded in Bolivia regarding governmental attempts to privatize water and again in relation to the exploitation of natural gas. Violent conflicts, also related to the use of water, exploded among different communities in some regions of Mexico. “Shining Path” has re-emerged amidst social unrest in Peru. The indigenous rebellion in Chiapas is a dormant volcano bordering Guatemala, a country where impunity has weakened for too long the consolidation and credibility of a sustainable peace. The Venezuelan government, while promoting social programs, has

taken some controversial and deeply contested stands in its own established new fashion of ruling that country. Several events have complicated more than once in the recent past the relations between Venezuela and Colombia, the latter country already immersed in a bloody civil war. The always fragile social-economic situation in Cuba and the harsh approach taken by the authorities to deal with political dissent represents a latent conflict that, combined with tense relations with the U.S., may present the region with difficulties in the not so distant future. In recent years other Latin American nations, such as Argentina, saw their political and economic systems verge on total collapse as social tensions grew to new heights.

Yet, in comparison to other regions, Latin America is arguably not doing so badly. Several institutions of the inter-American system are engaged, in one way or another, with preventing the violent escalation of conflict within Latin America. The Secretary-General of the Organization of American States (OAS), the Inter-American Commission for Human Rights and the Inter-American Court of Human Rights, the OAS Unit for the Promotion of Democracy and the hemispheric security system provide a variety of services relating to different efforts aimed at conflict prevention. These mechanisms proved somewhat effective on a number of occasions. However, favourable comparisons to other continents and references to modest occasional successes are of little tangible benefit to the many who endure insecurities and suffer conflicts or face its eruption. Sober observers have typically judged inter-American institutions lacking on two grounds: they are neither systemic nor assertive enough. A third critical observation could also be raised: the OAS has not acted *early enough* in many instances. That is the opinion of the newly elected OAS Secretary General, José Miguel Insulza.

Some of the issues that engaged these mechanisms in the past could and should have been activated at a much earlier stage through regional conflict prevention and conflict transformation methods. In particular, the need for a focused cooperative approach, working through legitimate regional multilateral organizations, has hardly been explored much less applied. Specifically, the need for a *quiet, early, preventive* and rather *consensual style of diplomacy*, such as the one carried out by the Organization for Security and Cooperation in Europe (OSCE) High Commissioner on National Minorities, is becoming more evident all the time. As confidences grow and interests deepen, the initial inaction and timidity that have characterized some of the past OAS efforts - due to understandable concerns for respect of the principles of non-interference and non-intervention in the sovereign affairs of States - could well be overcome. However that will require Latin America's express consent to the creation of an early prevention system of quiet diplomacy within the region or at the sub-regional level, for example within MERCOSUR and/or the recently agreed upon South American Community of Nations (SACN) as a first echelon for regional efforts in conflict prevention.

**The critical point is that such a mechanism should be aimed at early conflict prevention and should act quietly.'**

There are signs of hope supporting the new OAS Secretary-General's observation. In June 2003, the OAS General Assembly passed a resolution that recognized the need and positive role of regional *cooperation* to assist Latin American and Caribbean governments to strengthen the governability of their countries. This was historically defining for a region that has always rejected such ideas as "interference" or "intervention" in the internal affairs of their

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countries. Partly, such decisions arise from increased concern that the Colombian conflict is already spilling into border countries and could invite an American military intervention that, in desperation, might even take place at the request of the host government. As was the case in the mid-1980's, when the group of eight countries that later came to be known as the Group of Rio met together to prevent an escalation of the Central American conflict and the possibility of a direct American intervention there, the region may be looking ahead to devise *its own formulas* – either or both regional and/or sub-regional - to prevent, contain and resolve conflicts. This is a positive development that reflects the political maturity of Latin American governments, but needs to be nurtured.

The hemispheric agenda provides several opportunities in the second semester of 2005 to start tackling these issues. Among others: a) the Summit of the Association of Caribbean States to meet in Panama in July; b) the second meeting of State-related institutions for the implementation of the Santiago 2000 decisions regarding racial and ethnic discrimination to be held in Uruguay in November; and c) the OAS meeting on poverty and governability to be held in Argentina towards the end of the year. MERCOSUR and the SACN will also meet in the coming months.

While pressured to design solutions for high level conflicts such as the one in Colombia, Latin American governments may also be interested to explore the creation of their own early preventive diplomatic mechanisms (whether regional or sub-regional) to identify and address various conflicts in an essentially cooperative, consensual manner, at the earliest stage. The chances that the authorities (and others) may prove to be more cooperative with a low profile, early and consensual engagement (presented and accepted as *cooperation and assistance*) - as has been the experience of the OSCE - to deal with their conflicts while they are still simmering appears much higher.

The critical point is that such a mechanism should be aimed at *early* conflict prevention and should act quietly. Such an institution of *operational prevention* measures would engage with authorities and other parties to a conflict in order to assist them in the creation of favorable conditions for the peaceful management or resolution of disputes before they ever become violent. Such a mechanism is not about appeasing social protests, but about working on conflict transformation measures that should also address and recommend “*structural prevention*” measures, i.e. ongoing efforts that target issues of economic development, institutional protection of human rights, arms trafficking, and democratic governance and help build a regional regime or “culture of prevention.” With an appropriate mandate, the scope of work would necessarily engage civil society and create political space for inclusive, participatory problem-solving in the common interest. Popular demands for such space are also growing and need to be satisfied in the interests of social stability and good governance.

This is all within grasp. The moment is ripe and we should seize it.

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## Des mangues pour Charlotte – Les enfants, otages du conflit dans le nord de l'Ouganda

Par: Catherine Hébert

L'Ouganda est naturellement divisé en deux par le Nil. Le pont Karuma réunit la rive nord et la rive sud à un endroit où le courant est particulièrement fort. Une fois au nord, un nouveau pays, étrangement désertique, émerge. Pas de village en vue, ni de circulation sur les routes. On pourrait croire que le pays entier est endormi. Aucun stigmate de guerre n'est apparent. C'est que tout a déjà été détruit et envahi par les herbes sauvages. \_

Voilà 19 ans qu'une rébellion ravage le nord du pays, fief de l'ethnie acholie. On y recense près de deux millions de « déplacés internes », le terme politiquement acceptable pour désigner des réfugiés à l'intérieur de leur propre pays. Quatre-vingt pour cent de la population a dû abandonner son village pour être parquée dans des camps bondés. Ceux qui s'aventurent à l'extérieur du camp le font au péril de leur vie.

Dans leur sillage, les insurgés ont laissé 100 000 morts. Ils ont aussi, depuis 1987, enlevé plus de 20 000 enfants, garçons et filles, condamnés à combattre sous peine d'être tués. L'Armée de résistance du Seigneur (ARS), rébellion plus barbare que mystique, recrute par la force des mineurs contraints de commettre des atrocités. Le chef de l'ARS, Joseph Kony, affirme vouloir diriger l'Ouganda selon les dix commandements de la Bible, le sixième, « Tu ne tueras point », étant mis en veilleuse. À l'heure actuelle, la violence perpétrée par l'ARS n'est ni politique ni personnelle. Elle ne vise qu'à terroriser la population.

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Sœur Rachele était directrice du collège St Mary Aboke, dans le nord de l'Ouganda, quand 139 fillettes ont été enlevées par les rebelles de l'ARS, le 9 octobre 1996. Cette nuit-là, des faisceaux de lampes de poche tournoyaient sur le portail de fer forgé et sœur Rachele savait ce que cela signifiait. Quelques mois plus tôt, quand la mission de Iceme avait été attaquée, un père catholique lui avait décrit comment on pouvait reconnaître les rebelles de l'Armée de résistance du Seigneur à l'éclat de leurs torches électriques qui découpaient frénétiquement la nuit. Elle a tout de suite su ce qu'ils cherchaient, mais croyait qu'il était impossible aux rebelles de

« Le jour, en plus de subir un entraînement militaire, elles doivent cuisiner, faire la lessive et le ménage. Le soir, elles servent d'esclaves sexuelles aux rebelles. Plusieurs enfants sont nés de ces relations forcées. Des fillettes sont mortes en couches parce qu'elles étaient trop jeunes pour donner naissance. »

pénétrer dans le dortoir des fillettes puisque les fenêtres du dortoir étaient munies de barreaux et que la porte de fer était verrouillée de l'intérieur.

Équipés de fusils et de machettes, les rebelles ont pourtant réussi à s'introduire à l'intérieur du dortoir. Les fillettes ont été encordées comme des esclaves et emmenées vers le sud du Soudan. Sœur Rachele a courageusement poursuivi les rebelles dans la jungle et a réussi à parlementer avec le commandant en chef. Celui-ci a accepté de lui remettre 109 filles, mais a gardé les trente autres. Parmi elles, Charlotte, la fille d'Angelina Atyam. Charlotte n'avait que 14 ans à l'époque.

« Personne n'est venu à leur secours », se rappelle Angelina. « Les rebelles sont arrivés à minuit et sont restés jusqu'à 5 h du matin. Ils ont eu tout le temps nécessaire. Quand je pense aux enfants, je ressens leur peur, leur sentiment d'abandon. L'armée ougandaise ne s'est même pas lancée à la poursuite des ravisseurs. Je suis certaine que les enfants nous en veulent pour ce qui s'est passé. »

À la suite de l'enlèvement de sa fille, Angelina a fait le tour des districts de Kitgum, Gulu, Apac et Lira, et a découvert que les enlèvements se produisaient depuis plusieurs années sans que personne n'ébruie l'affaire. Les gens craignaient en effet que leur famille ne soit tuée par les rebelles s'ils dénonçaient les enlèvements. Angelina a donc décidé de rompre le silence et a fondé une association, la *Concerned Parents Association*, qui parle au nom de tous les parents désireux de dénoncer les enlèvements.

Selon Angelina, c'est par dépit que l'ARS enlève des enfants pour servir dans ses rangs. Les gens refusent de s'enrôler, car ils considèrent que cette guerre ne les concerne pas. La seule façon de recruter de nouveaux membres consiste donc à enlever des enfants, à qui l'on apprend à manier les armes. On fait de ces jeunes des parias : avant de les enlever, on les force à tuer des membres de leur famille pour qu'ils n'osent plus jamais y retourner. Ce meurtre initiatique brise les ressorts moraux et annihile tout espoir de retour au sein du village ou du clan. Encordées, les recrues entreprennent une longue randonnée vers les bases soudanaises, assez lointaines pour dissuader les éventuels fugeurs de s'éclipser. Ceux qui tentent de s'échapper sont exécutés et on oblige alors d'autres enfants à les tuer.

### **Les camps de réhabilitation**

Certains enfants réussissent pourtant à s'échapper. Les revenants du maquis traînent des traumatismes ineffaçables, que des centres de réhabilitation tentent d'adoucir. Là, pendant deux semaines à 18 mois – la durée du séjour dépend de la longueur de la captivité, des épreuves subies et des crimes commis – on tente de renouer avec la normalité...

En captivité, les filles souffrent davantage que les garçons selon Angelina. « Le jour, en plus de subir un entraînement militaire, elles doivent cuisiner, faire la lessive et le ménage. Le soir, elles servent d'esclaves sexuelles aux rebelles. Plusieurs enfants sont nés de ces relations forcées. Des fillettes sont mortes en couches parce qu'elles étaient trop jeunes pour donner naissance. »

Au camp de réhabilitation de Gulu, une jeune femme au regard triste lave un bébé de deux ans dans un sceau de plastique rouge.

Elle s'appelle Vicky Aryemo. Elle a aujourd'hui 18 ans, mais n'en avait que 10 quand l'ARS l'a enlevée. « Je croyais être trop jeune pour être kidnappée. Après tout, je n'étais encore qu'une enfant. À

12 ans, on m'a donnée à un commandant rebelle qui avait l'âge de mon grand-père. Je suis tombée enceinte à 13 ans et j'ai donné naissance à mon premier enfant à 14 ans. Ce n'est pas normal pour une fille d'avoir un enfant à 14 ans, mais c'est courant dans l'Armée de résistance du Seigneur. »

Lorsqu'elle était avec les rebelles, Vicky devait souvent marcher de longues heures pour fuir l'avancée de l'armée ougandaise. Un jour où les combats étaient particulièrement violents, Vicky a profité du chaos pour s'enfuir avec ses deux enfants. Elle s'est réfugiée dans le premier village qu'elle a rencontré et les villageois l'ont livrée à l'armée ougandaise. Elle a été emmenée dans un camp de réhabilitation pour quelques semaines, où elle partage un bâtiment avec d'autres mères dans la même situation qu'elle.

Si la jeune femme relate volontiers son passé dans l'ARS, elle devient laconique à l'évocation du futur. « Je compte aller vivre avec ma mère. Je ne serai peut-être pas la bienvenue dans mon village. Les gens craindront que le père de mes enfants vienne les récupérer. Je n'ai personne d'autre vers qui me tourner. Je n'ai pas beaucoup d'espoir pour l'avenir. »

### **Les *night commuters***

Pour chaque enfant enlevé, des dizaines d'autres craignent de subir le même sort. C'est pourquoi, chaque soir, 50 000 d'enfants fuient les campagnes et gagnent les villes à pied pour se cacher des rebelles. On les appelle les *night commuters*. Bien que les endroits où ils se cachent – gare d'autobus, école, hôpital, arcades d'une rue commerçante – n'offrent aucune protection, les villes sont moins exposées aux raids des bourreaux.

Au crépuscule, on voit ces exilés de la nuit une natte sur l'épaule, un baluchon sur la tête gagner leur asile en cohortes fantomatiques. À l'hôpital de Lacor seulement (district de Gulu), on compte plus de 5000 de ces enfants chaque soir. Pendant des heures, une véritable marée humaine franchit le portail de l'hôpital, et chacun se met en quête de quelques mètres carrés d'un sol froid et boueux pour y passer la nuit.

« C'est pénible de penser que nos enfants doivent assurer eux-mêmes leur sécurité, déplore Angelina. Je ne sais pas combien de personnes devront encore mourir avant que le gouvernement ougandais se rende compte de l'ampleur du désastre. J'ignore si c'est le nombre de personnes ou leur statut qui compte. Je ne comprends pas. Quelle est l'obligation morale de la communauté internationale? Les lois et les résolutions des Nations Unies paraissent bien sur papier, mais quand nos enfants pourront-ils en profiter? »

Dans le jardin d'Angelina, un manguier aux branches lourdes de fruits se dresse en signe d'espoir. Angelina l'a planté après l'enlèvement de Charlotte. « Je prie pour qu'elle revienne et qu'elle puisse manger ces mangues. Je voudrais seulement qu'elle y goûte avant la fin de la saison. Elles sont tellement bonnes...»

\*

Au mois d'août 2004, Charlotte a miraculeusement réussi à s'échapper de l'ARS. Elle est rentrée chez sa mère... avec les deux enfants qu'elle a eus de son époux forcé. Le retour s'avère difficile. Malgré les

encouragements de sa mère, Charlotte ne souhaite pas retourner à l'école, craignant d'avoir l'air ridicule vu son âge. Comme tout le monde au village connaît son histoire, le regard des autres est lourd à supporter, mais pas autant que le sentiment de peur qui assombrit chaque minute de sa vie.

*Catherine Hébert est réalisatrice/documentariste. En mai 2004 elle s'est rendue dans le nord de l'Ouganda pour y réaliser le documentaire « Mangos for Charlotte » sur le rôle des filles dans l'Armée de résistance du Seigneur.*

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## Re-visiting the Beijing Platform for Action ten years later: reflecting on our collective struggle

By: the Canadian Feminist Alliance for International Action, with contributions from Muriel Smith, Nancy Peckford and the International Women's Tribune Centre.

**April 2005** - The Beijing+10 meeting from Feb. 28 to March 11, 2005 was to be a celebration of 30 years since the First World Conference on Women in Mexico, and 10 years since the fourth in Beijing. It was an opportunity to assess progress made, obstacles encountered, and strategies for implementing the Platform for Action for Equality, Development and Peace in the years to come. It also offered an opportunity to review the Millennium Development Goals prior to the high level meeting to take place at the UN General Assembly in September 2005, so that women's equality will truly be a cross-cutting theme in the forum. \_

The two weeks in New York have now come and gone. On reflection, there were some yards gained, much holding of the line, many frustrating blockages, but no apparent backsliding. The future course has been set for one year only: in 2006, the UN Commission of the Status of Women (UNCSW) will address the themes of:

- *Enhanced participation of women in development: an enabling environment for achieving gender equality and the advancement of women, taking into account, inter alia, the fields of education, health and work, and*
- *Equal participation of women and men in decision-making processes at all levels*

*'The U.S. was ultimately foiled in their attempt to disrupt the consensus and voluntarily withdrew its amendment at the last moment, but the effort monopolized much of the time available and effectively short-circuited the charting of much new territory.'*

Confronted with 80 ministers, 1,800 government delegates, many UN agencies, and literally thousands of representatives from a variety of non-governmental organizations (6,000 registered, 2,600 were there for the first week), the United States attempted to derail the tentative consensus that had been reached by a short political declaration prior to the start of the meetings. Deploying the hotly contested issues of sexual and reproductive health and rights, the U.S. tried to de-stabilize the consensus by introducing an amendment to the declaration which stated that the affirmation of the Beijing Platform for Action did not create, "any new human rights, including the right to abortion."

While this amendment was based on a faulty analysis by the U.S. on the implications of affirmation, the introduction of this amendment nonetheless precipitated much time-consuming maneuvering among member states at the UNCSW. The U.S. was ultimately foiled in their attempt to disrupt the consensus

and voluntarily withdrew its amendment at the last moment, but the effort monopolized much of the time available and effectively short-circuited the charting of much new territory. This less than auspicious beginning to the UNCSW Beijing+10 review brought home the reasons why many in the global women's movement had been reluctant to support the idea of a fifth world conference.

Nonetheless, there were a number of accomplishments at the meetings, including the passing of a first ever resolution on the rights of indigenous women, and a call to study the appointment of a special rapporteur on laws that discriminate against women. Ten resolutions were passed in all. Other new resolutions focused on gender mainstreaming national policies and programmes, the possibility of appointing a special rapporteur on discrimination against women, eliminating the demand for trafficking, the integration of a gender perspective in post-disaster relief especially in response to the Indian Ocean tsunami, and women's economic advancement. Resolutions that had been carried over from previous UNCSW sessions were also adopted, including: women, the girl-child and HIV/AIDS; the International Research and Training Institute for the Advancement of Women (INSTRAW); the situation of women and girls in Afghanistan; and the situation of and assistance to Palestinian women.

[1]

While many of these resolutions reflected successful efforts by women's organizations and progressive governments to influence the resolution process, concern was also expressed by some member states that instead of focusing on concrete actions and the sharing of strategies and challenges, this particular UNCSW session had, "fall[en] into the trap of becoming a giant drafting committee." For example, the U.S. introduced two key resolutions on economic empowerment and trafficking. Perhaps not surprisingly, these resolutions reflected the narrow interests and limited analysis of the U.S. world view. Consequently, considerable efforts were devoted to intense negotiations among countries, as well as lobbying from non-governmental organizations, in order to modify the language and ensure that the resolutions were broader in scope.

According to the International Women's Tribune Centre, "the Australian delegation commented that at the beginning of the proceedings they had come to the session fully expecting to reaffirm and re-commit to the implementation of the Beijing Platform for Action (BPFA), and instead: 'we have spent a large amount of our time tied up in drafting sessions on resolutions, 10 in all, which has distracted us from the important task we have come to the meeting to achieve.'" [2]

Despite the U.S.' enthusiasm for introducing resolutions, however, they remained determined to express their on-going opposition to any language contained in the proposed resolutions that referred to reproductive rights, as well as to references to the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), a treaty the U.S. has neither signed nor ratified. Fortunately, the overwhelming majority of countries at the UNCSW recognize CEDAW as a primary international agreement on women's human rights and rejected the U.S.' efforts. This is in part because the signatories to the Beijing Platform for Action in 1995 explicitly acknowledged the centrality of CEDAW by including the following statement: "the present Platform for Action upholds the Convention on the Elimination of All Forms of Discrimination against Women." [3]

The U.S. tactics in this regard served as a further reminder to women's activists about the necessity of remaining vigilant in ensuring that CEDAW and related UN human rights treaties are given due respect and consideration in these global fora. The erosion of women's human rights is being attempted through a "chipping away" of the progress that has been made by women to establish a viable international legal framework for women's equality rights. Pitting CEDAW against the Beijing Platform for Action, as was demonstrated by the U.S., is incongruous with the spirit and intent of these international instruments, and undermines women's efforts the world over.

Beijing+10 demonstrated that the global women's movement continues to use the space made available at the UN, however inconvenient and limited, to advance women's networking and strengthen our resolve to persist in the global struggle for equality, development and peace. As always, the use of UN fora is an engrossing, challenging, stimulating and an endlessly rewarding experience. The kaleidoscope of faces, organizations, processes, and reports of painful realities and gains secured against tremendous odds that one encounters at UN gatherings only serves to redouble one's commitment to the global women's movement in the struggle for equality, development and peace. These themes were set in 1975 by far-thinking women to bring together three main global groupings: peace for the East Bloc, development for the newly independent and poorer developing countries, and equality focused on women in the developed world.

Equality, development and peace became the clarion call for the global women's movement, and represented a holistic vision of a world where everyone can find a secure place within which to pursue their personal, community, national and international goals. With the emergent challenges of militarism, economic and religious fundamentalism, cultural and social marginalization, and where excessive individualism, protection against "terrorism" and the promotion of "national self-interest" can so easily trump human rights and ecological sanity, we, as the women of the world, would do well to remember our deepest values. Not only can we be the voices of compassion and cooperation, we can also be the agents for the new ideas and actions required to reconcile all the apparent opposites that beset our global village. These are goals which are more than worthy of our collective struggle.

### **Resolutions of the Beijing+10 Conference**

On women, the girl-child and HIV/AIDS, the resolution calls for governments to intensify efforts to eliminate all forms of discrimination against women and girls in relation to HIV/AIDS, including through challenging stereotypes, stigmatization, discriminatory attitudes and gender inequalities and to encourage the active involvement of men and boys in this regard. The resolution further urges governments to pursue the empowerment of women to make them less vulnerable to HIV/AIDS.

On reducing demand for trafficking women and girls, the resolution asks governments to adopt or strengthen legislative or other measures to deter exploiters and discourage the demand that fosters trafficking of women and girls for all forms of exploitation. It further calls on governments to, "conclude bilateral, sub-regional, regional and international agreements to address the problem of trafficking in persons, especially women and girls; and to adopt specific measures aimed at reducing demand, as appropriate, to compliment the United Nations Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children." It further asks governments to criminalize trafficking, penalize traffickers and raise public awareness on

this issue.

On considering the advisability of having a special rapporteur on laws that discriminate against women, the resolution urges governments to intensify their efforts to revoke any remaining laws that discriminate on the basis of sex and to remove gender bias in the administration of justice, in accordance with the Beijing Platform for Action, through the adoption of all appropriate means and measures at the national, regional and international levels. However, before adoption of this resolution, some delegations pointed out that it may duplicate mechanisms already in place around the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), so the matter of appointing a special rapporteur will be taken up at the 50th UNCSW session in 2006.

'Not only can we be the voices of compassion and cooperation, we can also be the agents for the new ideas and actions required to reconcile all the apparent opposites that beset our global village.'

On mainstreaming a gender perspective into national policies and programmes, the resolution asks governments to, “ensure that gender mainstreaming is fully understood, institutionalized and implemented; increase understanding of the process; develop and use frameworks, guidelines and other practice tools and indicators to accelerate gender mainstreaming; develop effective and coherent accountability mechanisms; involve parliaments and the judiciary, where appropriate, in monitoring progress; recognize civil society's role in this regard; establish or reinforce existing national machineries for women’s advancement and provide them with the necessary human and financial resources.”

On integrating a gender perspective in post-disaster relief efforts, particularly in the aftermath of the Indian Ocean tsunami disaster, the resolution asks government to place a gender perspective on disaster management and disaster preparedness, as well to ensure that women have an active role in all phases of disaster management. These aspects include services such as food, clean water, shelter and physical security, as well as health care, including reproductive health, psychological health and psychosocial support and education, taking into account the particular needs of women and girls. Moreover, it urges governments to address, “gender equality dimensions of livelihood, security, land tenure, land rights, property and housing since they pose major challenges to women, in particular widows, women heads of households, women with disabilities and women who have lost family members in natural disasters.”

On the situation of and assistance to Palestinian women, the resolution recognizes the obstacle placed by the Israeli occupation of Palestine on improving conditions for Palestinian women's lives, and enjoins Israel as an occupying power to comply fully with international human rights treaties in protecting the rights of women and girls, as well as to, “facilitate the return of all refugees and displaced Palestinian women and children to their homes and properties.”

On the strengthening of the International Research and Training Institute for the Advancement of Women (INSTRAW), the resolution asks for more contributions from member states in support of the institute, and for the INSTRAW executive director to report on its programme of work for the period 2004 - 2007 at the 50th UNCSW.

On the economic advancement of women, the resolution asks governments to provide for enabling environments for women entrepreneurs and equal opportunities for women in the workplace, financial services for women in savings, lending and ownership, the promotion of equal access for women to information and communication technology-based economic activities, and to information systems and improved technologies. The resolution also took into account the impact of globalization on women's labour and the role of international financial institutions on imposing liberalization policies.

On indigenous women, the full text of the resolution was still unavailable at the time of this report.

On the situation of women and girls in Afghanistan, the resolution urges the government of Afghanistan to, “fully implement the Constitution and all international treaties to which Afghanistan was a party; ensure that legislative, administrative and other measures support women’s and girl’s full enjoyment of human rights and fundamental freedoms; enable the full, equal and effective participation of women and girls in civil, cultural, economic, political and social life throughout the country and at all levels; and ensure that women were able to register, run for office, campaign and vote in the upcoming national assembly elections.”

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[1] For a full account of the resolutions adopted, please see the report issued by the International Women’s Tribune Centre (IWTC), WOMEN'S GLOBALNET #273, Activities and Initiatives of Women Worldwide (March 23, 2005), Report from the UN CSW/ Beijing Plus 10.

[2] Incidentally, some resolutions did not achieve consensus, and needed to be put to a vote. The roll-call voting on some of the resolutions delayed the last day of the UNCSW’s proceedings and as a consequence, some agenda items went entirely unaddressed. Chairperson Kyung-wha Kang ( Korea ) announced at the end of the session that the Commission had run out of time and that the session's remaining business would remain outstanding until the chair could resolve: “if and when we are able to reconvene.”

[3] Beijing Declaration and Platform for Action, Fourth World Conference on Women, Para. 7, 15 September 1995, A/CONF.177/20 (1995) and A/CONF.177/20/Add.1 (1995).

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