

EMERGING HUMAN RIGHTS ISSUES

Report of the roundtable

February 16-17, 2006



**Droits et Démocratie
Rights & Democracy**

Centre international des droits de la personne et du développement démocratique
International Centre for Human Rights and Democratic Development

Acknowledgements

Rights & Democracy would like to thank the Department of Foreign Affairs for its financial contribution to the Roundtable, as well as Henri-Paul Normandin and the staff from the Human Rights, Gender Equality, Health and Population Division, who insured the success of this conference.

Rights & Democracy

1001, de Maisonneuve Blvd. East, Suite 1100

Montreal (Quebec) H2L 4P9 Canada

Tel.: (514) 283-6073 / Fax: (514) 283-3792 / e-mail: publications@dd-rd.ca

Web site: www.dd-rd.ca

Rights & Democracy (International Centre for Human Rights and Democratic Development) is an independent Canadian institution created by an Act of Parliament in 1988. It has an international mandate to promote, advocate and defend the democratic and human rights set out in the International Bill of Human Rights. In cooperation with civil society and governments in Canada and abroad, Rights & Democracy initiates and supports programmes to strengthen laws and democratic institutions, principally in developing countries.

© International Centre for Human Rights and Democratic Development, 2006.

This report may be freely excerpted, provided credit is given to Rights & Democracy.

Also available online at www.dd-rd.ca.

Ce rapport est aussi disponible en français.

Writing: Lloyd Lipsett, Senior assistant to the President, Rights and Democracy

Content Review: Razmik Panossian, Director, Policy & Programme, Rights & Democracy

Production: Anyle Coté, Officer, Special Events and Publications, Rights & Democracy, and Lise Lortie, Publications Assistant, Rights & Democracy

TABLE OF CONTENTS

Introduction	5
February 16, 2006	7
Welcoming Remarks	7
Thematic Cluster 1 — Non-state Actors and Human Rights	10
Potential Follow-up Actions	14
February 17, 2006	17
Thematic Cluster 2 — Culture/Religion and Human Rights	17
Potential Follow-up Actions	21
Thematic Cluster 3 — Fragile States and Human Rights	22
Potential Follow-up Actions	27
Thematic Cluster 4 — Sustainable Development, the Environment and Human Rights	28
Potential Follow-up Actions	31
Final Session: Other Issues for the Future?	32
Conclusion	35
Agenda	39
Participants List	43

INTRODUCTION

On February 16th and 17th 2006, Rights & Democracy, in collaboration with Foreign Affairs Canada, organized in Montreal a roundtable on emerging human rights issues affecting the international community. Thirty-one distinguished Canadian and international experts discussed the following topics:

Culture, religion and human rights: Culture and religion, as expressed through identity politics, have become central in global affairs. In countries where human rights are respected, laws and policies safeguard religious freedoms and cultural heritage. However, cultural and religious arguments are increasingly being used to undermine the universality of human rights. Cultural diversity should not be confused with cultural relativism, and religious fundamentalism should not replace dialogue and peaceful co-existence.

Fragile states and human rights: The need to respond to an increasing number of failed and fragile states, based on the concept of the “Responsibility to Protect,” is recognised by the international community. One example is the recent creation of the Peacebuilding Commission at the United Nations. Canada has been particularly active in this domain in recent years. However, “donor fatigue” is a concern as it undermines the long-term commitments and investments required for successful state-building. Another disturbing trend is the failure of certain regions within otherwise “successful” or strong states: inner city suburbs or slums, regions under militia control, etc. These pose specific challenges to the protection of human rights.

Non-state actors and human rights: In many parts of the world non-state actors — be they multinational enterprises, NGOs or militias — are having an impact on human rights. This impact could be positive or negative, but in both cases it undermines the traditional powers of the

state. However, paradoxically, the increasing importance of non-state actors is putting pressure on governments and the international community to further regulate various activities (e.g. financial transactions, internet communications and the movement of people). Having the presence of state remains central to protecting rights. With non-state actors potentially becoming abusers or protectors of human rights, new policies must be developed and the international legal framework must be reconceptualized with state sovereignty in mind.

Sustainable development and human rights: Scientific reports increasingly warn us that our environment is seriously under threat. Environmental calamities have important human rights dimensions: they threaten the right to food, water and health, and lead to displacement and numerous deaths. Emphasis must be placed on the idea of economic and social development sustainability. As natural resources become increasingly scarce, the environment itself becomes a venue for violent conflict. Environmental protection and the protection of human rights are so inextricably linked.

FEBRUARY 16, 2006

Welcoming Remarks

Jean-Louis Roy, President, Rights & Democracy

On behalf of Rights & Democracy, I would like to extend a warm welcome to all of you.

I also wish to dedicate our work over the next couple of days to a humble and remarkable man, Yan Christian Warinussy, the recipient of the 2005 John Humphrey Freedom Award. If you allow me, I would like to send him a message of support and solidarity in West Papua, on behalf of all of us

This way, even though he is not here, bringing up his name will remind us that the effective recognition of rights, as a path to liberation from terror and poverty, still speaks to many around the world. His name will also remind us that the themes we will be addressing, while indispensable and pressing, must not distract us from the urgency of implementing universally and effectively the fundamental rights contained in the Universal Declaration of Human Rights. I am referring, in particular, to sections 22, 23 and 25 on social rights, section 25 on the right to education, and the supplementary provisions of sections 2 and 16 devoted to gender equality. The High Commissioner for Human Rights, Louise Arbour, has justly made the effective implementation of rights the chief goal of her mandate. We must share in her conviction.

The strategic intelligence of the universal declaration has always fascinated me. Its wording is precise and lends an openness; it looks at the individual's relationship to all powers and the powers' relationship to

the individual. A text that recognizes the predominant place of the state and the obligations of all nations, but subjects them to a universal principle—the requirement that human rights be universally applied. The text also affirms humanity’s conscience in the simple and riveting words “Universal Declaration of Human Rights.”

The strategic intelligence of the Declaration is also evident in the important paths explored between the fields and its inherent obligations. Certainly, changes around the world in the last half-century—demographic, political, technological and geopolitical—have highlighted these interdependencies, seen through increased interactivity, interpenetration and inter-regulation.

The four themes of the roundtable have emerged from these changes. They reflect a whole, the parts of which are becoming richer and more advanced. They reflect the generous and resilient sides of humanity.

In conclusion, I would like to make a few comments on two of the four themes that have brought us together:

On religion, I will not say much, only that for the minority of us in the secular world, we have trouble grasping the fact that for most people, human knowledge is often trumped by the word of God. Consequently, we have difficulty measuring the scope of the mediation required by the spiritual, political and social world of a reality that is so foreign, distant and even contradictory to us. We belong to the faction of humanity that, according to Paul Ricoeur, shares the belief that truth is the very spirit of reason. However, this truth is no doubt more complex since it must integrate an undefined collection of people, something often overlooked by emerging powers.

Our secularism may even distance us from an understanding of the sacred, recognizing the cycle of things, the succession of divine and human generations, changes within humanity, so pressing in Western and African civilizations (Marguerite Yourcenar).

We strive to forget that the need for transcendence is all too similar to the need for human adventure.

Religion, having dominated thinking in the Western world for over 1,500 years—providing an explanation for the universe, and of history and life itself, and having a monopoly on political power—is finally in retreat.

It took more than three centuries, the Enlightenment, the consolidation of science and the industrial revolution for governments and societies to

“emancipate themselves” from theology, and for allowing that particular truth, “the very spirit of reason,” to emerge. In such a short time, the world saw the emergence of two totalitarian ideologies in the last century: fascism and communism. Popular transcendence occurred, with these beliefs, sects and rites victimized many, while hundreds of millions of women and men witnessed ideological fundamentalisms, Manichean doctrines, ruthless control by governments, and expansionist goals play out all over the planet. These systems wreaked havoc on the West and, from the West, the entire world.

What kind of investment, mediation or escape from this ignorance do we require across all of humanity to make sure that governments can help bring down these endless barriers to transcendence and not strike back for reasons of ideology or being beholden to powerful interests?

We will also address the most central question for human rights advocates, namely, failed states.

This concept refers to a general collapse of all state functions, from the security of a nation’s territory to the protection of its citizens; from a guaranteeing of basic civil functions to the maintenance of core public services; from the capacity to foster social cohesion to the ability to develop trust among citizens, social groups, and public authorities and institutions. The balance between what is essential for community and the safeguard of individual rights and freedoms has not been achieved in failed states.

This whole concept is difficult to grasp since it is so completely contrary to our own experiences, our expectations of stability and security, as well as our aspirations for human rights. In such a void, another system emerges, a self-serving system of rough justice, sectarian rule, armed gangs and private security forces. Impunity rules: threats of all sorts are followed by crimes against those who oppose and denounce such a state of affairs, against those who advocate for the re-establishment of the rule of law.

Racketeering, shady dealings, corruption, murders, are at the core of this ersatz system. These are ugly features of the failed state. It is estimated that 4.5 million died in the Republic of Congo in the last decade, while Haiti lost 250,000 people.

Failed states generally take root in poor countries. The lack of freedom from want adds itself to the lack of freedom from fear. Survival becomes a daily struggle.

If truth be told, humanity's conscience does not seem to be particularly shocked by this extreme state of affairs; a situation in which the spirit and content of the Charter are completely negated; by which segments of the world comprising millions of women and men are terrorized and victimized, and become witnesses to acts of barbarity.

What kind of rapid and decisive intervention must we adopt in order to protect human rights?

Thank you for joining us and enriching our discussion. I look forward to a fruitful session.

Thematic Cluster 1 – Non-state Actors and Human Rights

Chair: Razmik Panossian, Director of Policy, Programmes and Planning, Rights & Democracy

Lead Discussant: Ann Jordan, Director, Global Rights

Who are non-state actors?

We are referring to a number of different actors, some with the power to protect human rights and others with a propensity to violate them. Non-state actors range from multinational corporations, to international organizations and non-governmental organizations (NGOs). These non-state actors are subject to some degree of control or regulation by states. There are also armed groups, organized criminal gangs and terrorist organizations that operate beyond the control of states.

In the past, the approaches to human rights tended to focus exclusively on the responsibilities of the state. However, as society and the economy have evolved and other actors have more influence and power, states cannot be seen as the sole promoter and protector of human rights.

Furthermore, as human rights inherently benefit the individual, they cannot become the exclusive domain of the state.

International law has gradually evolved to recognize the responsibilities of some non-state actors, such as in the treaties against slavery and

against genocide, or in the Universal Declaration, which affirms the responsibilities of individuals towards other individuals and their community.

While not ignoring the fact that states have bear a fundamental responsibility for human rights, we see the emergence of a new paradigm that will include non-state actors in the matrix of human rights promotion and protection. This evolution of the norms and policies of human rights is necessary in an era of globalization, transnationalism and of failed and fragile states.

This raises, however, an important question. While we may wish that certain non-state actors acted more responsibly, is it strategic to give them formal responsibilities under international law? Or does this imply, conversely, that we must cede them more rights? In the case of transnational corporations, we have already seen that they have tremendous influence and negotiating power in relation to governments, particularly in developing countries or in countries with failed or corrupt states.

Currently, there is an important process in place to develop international norms with respect to multinational corporations and human rights within the United Nations system. They set out some proposed norms (e.g. elimination of discrimination in the workplace, elimination of forced labour and environmental protection) in the spheres of activities where the power and control of corporations overlap with that of the state. Although these norms are progressive, they have yet to be formalized and are therefore dependant on the voluntary compliance of corporations.

The evolution of human rights protection can be examined both “vertically” (evolution of new norms from the international community down to various actors) and “horizontally” (evolution of norms at the national level, using existing tribunals and adapting existing laws and regulations). In terms of the evolution of human rights norms at the national level, the Canadian experience under the *Charter of Rights* is informative; and, the constitutional protection of human rights in the national context is an important focus for concrete implementation.

In addition, we should look at existing international tribunals, which can take action in serious cases of human rights violations, as did the Security Council regarding transnational corporations in the Democratic Republic of Congo. This increasingly seems to be the case in terms of the scope and reach of international criminal law.

To help our partners in developing countries make use of these instruments, we should look at creating a fund to finance international human rights litigation. Eventually, however, to ensure that there are no gaps in protection, we would perhaps need a World Court of Human Rights.

Moreover, it is important to remember that the movement towards greater accountability of non-state actors is not just in the domain of legal experts. We should therefore not forget efforts for human rights education in all spheres of society.

One particularly important target group for educational and promotional efforts in the field of corporate accountability is the investors who are able to put real pressure on corporations to change their behaviour. Also, corporations themselves can be targeted with useful tools and methods that allow them to conduct “human rights impact assessments” of their operations. Other such targets are banks and export development agencies. Also, human rights experts should not forget their need to reach out to parliamentarians, who have the interest in and the power to promote human rights and corporate accountability.

Despite the opposition of the business community, the movement towards having binding legislation to make corporations more responsible and accountable is essential; otherwise a great number of human rights violations will remain outside the purview of the law. In this regard, it is important to follow the work and recommendations of the Special Representative on Human Rights and Transnational Corporations and other Business Enterprises. Broadly speaking, we must reflect on the need to strengthen international law in an era where borders are becoming increasingly porous and meaningless.

This leads us to the role of international organizations and institutions such as the World Bank, the International Monetary Fund and the United Nations. These organizations are players who also wield power over the lives of individuals, particularly in terms of their social and economic rights. Despite the impact that their decisions have—both positive and negative—the multilateral financial institutions have refused in the past to explicitly address human rights as part of their mandates. That said, recently there have been some interesting debates within the World Bank, where its legal opinions are beginning to consider the possible obligations of the Bank itself. Furthermore, it is important to reflect on the democratic governance of these institutions, to ensure that their decision-making is more accountable to populations. For example, some Euro-

pean countries such as the Netherlands ensure that their representatives at the World Bank receive a specific mandate from Parliament.

While the United Nations has made human rights one of its pillars, it can also be criticized for violating human rights in the context of some of its peacekeeping operations. This is a complex question, as we must also balance shameful incidents involving individual peacekeepers against the need for peacekeeping operations to safeguard the rights of entire communities. Nevertheless, the UN seems to be taking this matter more seriously, for example in the case of Nepalese peace-keepers.

When speaking of these multilateral institutions, should they be more attentive to human rights since they are created, financed and controlled by states that have, in turn, ratified international human rights instruments? In terms of multilateral institutions, one promising area can be found among the various regional organizations whose mandates are directly related to the promotion and protection of human rights. These are institutions that merit greater support.

Similarly, we can ask about the role of other non-state actors (churches, NGOs and other organizations), which have stepped into the traditional role of the state by offering necessary services.

Extreme examples of multilateral institutional work are the jobs being done by sub-contractors that run prisons or participate in military operations abroad. Some of these sub-contractors simply are moving mercenaries from one conflict situation to another, taking military personnel trained in one country and deploying them elsewhere for no motive other than money. These mercenary groups are often working in concert with multinational enterprises, often in the resource extraction sector, such as in the Great Lakes Region of Africa.

As for looking at future actions to address these issues, it is to be noted that a new working group on mercenaries has been created at the United Nations. Also, given the negative link between mercenaries and long-term peace and security, this issue can certainly be addressed by the new UN Peacebuilding Commission.

Although we should give them the benefit of the doubt, it is necessary to cast a critical regard on NGOs. This is a very large and diverse group of non-state actors. Some of them are very effective and transparent, but others must be held more accountable for their actions. Also, we must recall that the financial capacities of most NGOs are quite limited; there-

fore, their individual actions may be insufficient to tackle some of these issues.

That said, some promising areas for promoting human rights lie in the new networks being created. Sometimes they exist between NGOs, but other times they also include states and corporations. We should not ignore these “win-win” partnerships, because relations between state and non-state actors do not always have to be antagonistic. A good example of the power of networks was the negotiation for the International Criminal Court.

In developing networks for human rights, we should pay further attention to including Southern partners and help foster South-South networks. The churches offer good examples of well-developed networks with strong Southern linkages.

The actions and advocacy of these networks are required. They serve as a welcome antidote to the generalized lack of political will seen today, with respect to human rights on the international scene.

Potential Follow-up Actions

Some of the potential follow-up actions with respect to this issue are the following:

- Continued support in the development of international norms, with respect to non-state actors. In this regard, it will be important to examine how the new Human Rights Council can continue to work towards binding norms, with respect to transnational corporations, mercenaries and other groups.
- Development of practical tools to promote corporate accountability. For example, Rights & Democracy is currently developing a Human Rights Impact Assessment methodology for the activities of corporations in developing countries, while the Danish Institute for Human Rights has developed a checklist to help corporations assess their policies and practices in terms of human rights.
- Seek opportunities to engage the investor community and other stakeholders in educational and promotional activities to increase corporate accountability. A significant opportunity exists in the coming months in relation to the series of roundtables that are being or-

ganized in five cities across Canada. The roundtables will look at the role played by extractive industries in developing countries.

- Seek opportunities to engage parliamentarians on these issues. In this regard, one opportunity will be a series of consultations that Rights & Democracy will undertake in partnership with the Canadian Law Commission on its study of *Law in a Globalized World*, which discusses *inter alia* (a) the legal regime for controlling the actions of Canadian individuals and corporations overseas; and (b) the democratic accountability mechanisms for negotiating and implementing Canada's international obligations. Two of these consultations will be designed for federal parliamentarians in Ottawa and for members of the National Assembly in Quebec.
- Follow the work of the new UN Peacebuilding Commission, as it addresses the roles and responsibilities of non-state actors in conflict situations.
- Support for litigation and advocacy in national, regional and international tribunals in order to allow victims of human rights violations to seek justice and reparation from non-state actors. This process will further support the development of legal norms within the arena of non-state actors and human rights.
- Support for new networks between the North and South, as well as between NGOs, corporations and governments. In this regard, Rights & Democracy is supporting the creation of a Canadian consortium that will launch a Millennium Youth Campaign. Part of its work will be to help create a global coalition for international development and human rights.

FEBRUARY 17, 2006

Thematic Cluster 2 – Culture/Religion and Human Rights

Chair: Henri-Paul Normandin, Director, Human Rights, Gender Equality, Health and Population, Foreign Affairs Canada

Lead Discussant: Aminata Traoré, Former Minister of Culture of Mali

The link culture and religion can have with human rights poses a more philosophical question, but it is one of enduring importance as it touches upon the fundamental values that define individuals' relationships to each other and their communities. It is an enduring issue, but also one that lays out new dimensions, given some of the conflicts and controversies in the world. One such example was the reaction prompted by the publication of cartoons of the Prophet Muhammad in a Danish newspaper, as well as the riots in the suburbs of Paris.

The question of culture and religion should be approached from within a larger context that includes issues of individual and collective memory, identity politics, economic development and the new relationships in a globalized world. Some of the tensions that are currently felt between different cultural and religious groups can be explained, in part, by other factors such as poverty, skewed markets and historical injustices (slavery, colonization, etc.).

Also, for human rights defenders, there is an important backdrop to the question of culture and religion, in particular the principles of the universality of human rights and of global solidarity. However, the facts of poverty, the striking examples of inconsistent application of human rights principles by powerful nations and the enduring democratic deficits in many countries, have undermined the faith of many.

This is exacerbated by the policies and practices of multilateral institutions that support a status quo and which rob the citizens of developing nations of hope for change. Another exacerbating factor is the “criminalization” of migration and immigration, which erects barriers between cultures and religious groups and prevents genuine dialogue, interaction, and mutual understanding.

This raises many profound questions: Who is the “other”? Who judges the “other”? And from what vantage point? Who speaks for the “other”? And on what basis?

Do we see others simply as human beings who possess rights (e.g. the right to food, the right to education, the right to meaningful work and the right to religious freedom) or do we define each other in terms of prejudicial cultural and religious categories?

In this regard, we must be very careful to understand that culture and religion can be manipulated for political purposes. Religious values and sacred texts are subject to limitless interpretations. This interpretation and manipulation occurs by fundamentalists of all stripes: Christian, Islamic, Jewish (and even the ultra-liberal fundamentalists that push for a free market). If we are not careful and critical of these fundamentalist positions, we may help the “clash of civilizations” theory play out or be contributing to the spread of “cultural relativism”, which not only opposes religions (i.e. Christians vs. Muslims), but also opposes cultures (i.e. the West vs. Islam). This issue is further confounded by the risk of public perception associating Islam with terrorism.

We must not confuse the issue and oppose ourselves to the legitimate spirituality of others, but rather we should oppose the manipulation of that spirituality. A distinction can be made between spirituality and religion: spirituality is linked to human capital, which offers the individual a degree of resilience in face of the human condition; whereas religion is linked to social capital and serves to reinforce group cohesion.

Secularists, positivists and humanists may be particularly apt to fall into this sort of generalization about religious groups. We often ignore the richness of inter-faith and ecumenical dialogue and the actions that regularly bring Muslims, Hindus, Buddhists, Christians and others together. We also often ignore the fact that human rights defenders come from all faiths and cultures.

We also may have difficulty understanding that our rigid separation of the religious and the political is not the norm in other places. In many parts of the world, religious and spiritual values play key roles in public life and decision-making. This is not about to go away; we must increase our sensitivity to other religions and not turn them into abstractions. This also shows us, once again, the importance of education.

That said, we must recall that the doctrine of human rights is a recent human creation. While we may search for cultural and religious analogies in our promotion of human rights, it is important not to define human rights as sacred, as this may paralyze the ability of future generations to interpret human rights progressively for the purposes of justice. The genius of human rights is that they are not linked to one religion or another, but rather they are linked to the inherent dignity of the human being regardless of his or her religion, culture and conviction.

We must also remember that members of different religious groups share a common commitment to a great number of human rights (e.g. the right to life and right not to be tortured, etc.). In this regard, at least, there is a core of human rights that can be viewed as universal. There is greater divergence and controversy, however, when we address the issue of social and cultural rights.

Similarly, there may be a universal aspiration towards democracy, in the sense that all citizens want to participate in the decisions that affect their lives and that they believe that those who govern them should be subject to some form of transparency and accountability. Conversely, there may be huge divergences in terms of specific practices and values that must be understood when discussing or promoting democracy. For example, Canadians may have something to share in terms of their country's constitutional laws and federal structure, but should not pretend to have the final solution for everyone else. The matter must be approached with some humility, in terms of conducting a common search and respectful dialogue about the form of government that best suits those who will be governed.

Furthermore, as is revealed by the recent incident relating to the caricatures of the Prophet Muhammad, we need to understand that some rights—such as the right to free expression—must be constrained by a sense of responsibility and sensitivity. There are nuances in the application of each human right and a careful balancing between different areas of human rights.

When we approach sensitive issues relating to cultural practices (e.g. female genital mutilation), we must be careful not to demean or infantilize those with whom we are in dialogue. We must first seek to understand other cultures and then find, within them, the tools for empowerment and change. In this regard, the practices of some specialized UN agencies, such as UNIFEM, are instructive.

One emerging issue that will require particular attention is that of gay, lesbian, bisexual and transgendered persons. The movement towards the recognition of their rights flies in the face of the radical discrimination by certain religious and cultural groups, and also prompts enormous resistance at the international level. Here, it is important to distinguish between what may be perceived as a “sin” and what should be considered a “crime.”

We must decide what culture we are seeking to promote. Are we defenders of local cultures in all their diversity? Or are we defenders of a monolithic, global, “supermarket” culture? In between the global and local, questioning the state’s appropriate role in culture is something that must be done .

A progressive answer may be that cultural diversity, at the local level, is an integral part of the universal cultural of human rights that we are seeking to promote at the *global* level. This opens up a host of convergent interpretations of the human condition but also offers various entry points to construct shared norms. In this regard, we must remember the positive aspects of culture as an expression of a common search for identity, meaning and values. Also, in the present day, we should reflect on how different cultures are integrating with one another and creating new values that may lead, eventually, to a stronger global ethic.

Thus, even within individual nations, there is a need to develop fluid structures and policies to manage diversity among different groups. Immigration and the question of linguistic, cultural and religious minorities oblige the state to adapt itself. In this context, the doctrine of human rights plays a central role in articulating the way forward. It is worth noting the number of truth and reconciliation commissions that currently exist and which are helping nations come to terms with their history and diversity. Also, the action of civil society is critical in defining and developing local and democratic forms of cultural expression.

Returning to the question of universality, we must also remember the importance of implementing human rights. Beyond the construction of

norms, real progress in the global fight against poverty and concrete steps towards realizing all human rights—economic, social, cultural, civil and political—are the ultimate measure of universality. In this regard, it is worth recalling the positive steps made by certain groups to put their issues on the international political agenda: these include the progress towards recognizing the rights of indigenous people, as well as actions taken by developing countries to transform the negotiations in the World Trade Organization.

Potential Follow-up Actions

Potential actions that have emerged from this discussion are as follows:

- To convene another roundtable on this particular issue of culture/religion and human rights, drawing more extensively on participants from the diverse religious communities in Canada with practical experience on inter-faith dialogue and the promotion of human rights from within a religious perspective.
- The need for further education and cross-cultural dialogue on issues relating to human rights and democracy. In this context, the Rights & Democracy Network proposes to redouble its efforts to twin its “delegations” in Canadian universities with those in developing countries, in order to promote common understanding between the next generation of activists and leaders.
- The need for further efforts to effectively implement all human rights, including economic and social rights, in all countries. This is the most effective manner to promote the principles of universality and solidarity and to provide an alternative to a potential clash of civilizations. In this regard, further support to the Action Plan of the Office of the High Commissioner of Human Rights, with its focus on implementation of human rights, is an important starting point.

Thematic Cluster 3 – Fragile States and Human Rights

Chair: Razmik Panossian, Director of Policy, Programmes and Planning, Rights & Democracy

Lead Discussant: Major Brent Beardsley, Research Officer, Canadian Forces Leadership Institute at the Royal Military College of Canada

Although failed and fragile states are a perennial problem, the issue is emerging in the sense that the problem is now dominating the global agenda, given the sheer number of states that can be classified as failed or fragile. According to some indicators, there are currently as many as 60 failed and fragile states.¹ As many as two billion people live in failed and fragile states; this is nearly a third of the world's population. The magnitude of the issue will place it at the centre of Canada's international efforts in areas such as defence, development and diplomacy, for at least the next two decades.

Moreover, this is an emerging issue in terms of human rights: with the evolution of international human rights law, including developing norms such as the "responsibility to protect," human rights are a key consideration when failed and fragile states are put under analysis and plans of action. It is also in this failed-state context that we see some of the worst human rights abuses and the most dramatic illustrations of the vulnerability of certain groups.

The definition of a failed and fragile state is controversial and incomplete. Also, the label can be problematic since it has such a negative connotation for those living in a "failed" state and will not motivate them to contribute to the improvement of that state. Even in a failed state, there may be vibrant groups and NGOs and some institutions, such as human rights commissions or ombudspersons, that are making efforts to improve the situation. Therefore, there needs to be greater precision and nuance in our language, such as identifying the "failure" of specific government institutions or particular leaders.

It is also important to distinguish between failed states and "rogue states," which may be functioning in many aspects, but present a threat to the international community or which massively violate human rights.

¹ For information and analysis on failed and fragile states, see: www.foreignpolicy.com.

Without clarity on the issue, there is suspicion that the discourse about failed states could be used to justify preventative military interventions.

To help analyze this issue, it may be useful to consider what constitutes the opposite of a failed state. If a strong democracy and the rule of law are at the other end of the spectrum, it is possible to think in terms of a continuum upon which all states have a degree of imperfection, failure or fragility. These concepts also may be associated with clearer indicators and legal norms for analyzing and intervening in a particular situation.

It is important to include voices from the South in our discussions of failed and fragile states. These discussions tend to be academic and dominated by northern countries. Scholars and leaders from countries such as Rwanda, Somalia and Afghanistan should be systematically included in the international community's reflections on these issues. Given the increasing number of South-South peacekeeping contributions, these experiences should also be studied.

Some of the key elements of this failure and fragility were discussed nonetheless:

- the state or government has lost control over its territory and no longer has a monopoly on the use of force
- the inability for the government to ensure the security of citizens; an inability to collect taxes and offer services
- a rise in criminal activity and organized crime
- a deterioration of the political situation, including widespread corruption and the weakening of governance structures; a breakdown in the formal and informal networks that foster dialogue and collaboration between government and different groups
- a deterioration of the economic situation; rising inequality
- a deterioration of social conditions; the inability of the government to ensure basic services such as water, food, health and hygiene
- a lack of the government's international capacity, including deterioration of its diplomatic relations with other countries
- patterns of human rights violation.

When considering these indicators, it is also possible to analyze situations of failure or fragility at the sub-state level, either in terms of regions or cities. For example, the recent crisis in New Orleans after Hurricane

Katrina, the violence in the Parisien *banlieue* or in the *barrios* of Rio, or the poverty on aboriginal reserves in Canada could be evidence of failures in governance. It is important to consider that the responsibility for delivery of services to citizens is increasingly being delegated to local governments, making them key actors to be included in any attempts to analyze and assist failed and fragile states.

Moreover, some of the causes of the deterioration or failure of the state were discussed. These include the following:

- lack of basic resources, such as food and water
- poverty
- environmental degradation
- pandemics
- rapid rise in population, overwhelming the basic infrastructure
- rapid urbanization
- rise in extremist groups
- arms proliferation
- lack of resilience to political crises
- lack of effective methods for conflict resolution
- lack of leadership in key areas of government and society
- in some countries, the abundance of natural resources becoming a risk factor for conflict

For each failed or fragile state, these factors are woven together into a unique history that must be understood by those who may wish to intervene. To respect these unique histories, it is impossible to have a one-size-fits-all approach to failing states.

Furthermore, it is necessary reflect more deeply upon the role of donor countries (particularly if there is a former colonial power), multilateral agencies and other non-state actors, such as banks, transnational corporations or arms producers, in exacerbating or halting the slide towards state failure. It is important to recall that, in some countries, international aid or foreign investment represents the majority of the state's budget—often granted with significant conditions. That puts into question who is actually responsible. Also given the significant macro-economic constraints on many developing countries—in terms of fair

trade, debt relief and foreign investment rules—it is difficult for them to have the resources to halt the slide towards greater fragility.

In this regard, it is important to reflect on the current focus on the promotion of “good governance,” which in some respects, can be viewed as the opposite of “state failure”. Has the promotion of good governance been successful? Can we say that we truly understand its essential components, when a recent World Bank report’s “essential” components numbered 116?

The problem of failed and fragile states remains a concern for a number of reasons. There are certain negative conditions that lead to the deterioration of a state, and will spiral out of control if and when that collapse happens: terrorists, criminal organizations and warlords will become more powerful; the degradation of the environment and destruction of infrastructure will accelerate; the violation of human rights will become increasingly severe.

In terms of lessons learned from previous experiences with failed or fragile states (e.g. Bosnia, Croatia, Somalia, Rwanda, Sierra Leone, East Timor and Cambodia), it is important to have a long-term and multidisciplinary approach to the problem. Short-term fixes are unrealistic. Standard peacekeeping efforts are insufficient. Although the intervention of armed forces may be necessary, the real solution is at the political, economic and social level. Military interventions must be accompanied by a host of other actions, including humanitarian efforts, electoral processes, institutional reforms, movements to counter impunity and support for human rights defenders. Also, there needs to be systematic efforts to control the circulation of arms, money and other resources, one example being diamonds, that serve to nourish instability.

One area in which there has been some progress in relation to this sort of multidisciplinary approach is the protection of civilian populations during UN peacekeeping operations. Presently, the mandates that are given to UN peacekeepers are more extensive than simply separating belligerents, and include the responsibility to assist and protect civilians.

Moreover, in reconstruction efforts, it is important not to simply focus on institutions. This is necessary, but should not be the sole target of our efforts: we also need to work on strengthening civil society, participatory processes and the networks that play a mediating role between government and different groups in a country. Another approach that has proved to be promising is the work on developing leadership capacities,

including human rights training, legal education and youth engagement. In these sectors, small investments of money can yield significant results.

Within donor countries such as Canada, there needs to be public education that will help foster the political will for sustaining long-term efforts — the kinds of efforts needed to deal with failed and fragile states. As recent incidents in Iraq, Haiti and Afghanistan demonstrate, the public also needs to understand the real risk of bloodshed—not just for military personnel, but also for members of NGOs, humanitarian organizations and diplomatic staff—if Canadians are to engage in the challenge of failed and fragile states. An essential component of public engagement is the necessity of political debates.

In terms of a long-term approach to failed and fragile states, it is necessary to insist on prevention. Reconstruction and rebuilding is infinitely more costly than prevention. There is a strong consensus that we should concentrate more resources and efforts on prevention, yet we tend to withdraw our investments and personnel from those situations (Côte d'Ivoire being a good example) that are teetering on the brink of collapse. Perhaps it is that time when we receive those worrisome signals that we should invest massively, instead of pulling back. We need to be more vigilant and analytical when there are urgent needs for preventative actions.

This offers an additional reason to invest in international development. In this regard, international development assistance should not be seen as charity, but rather as an obligation and the necessary price for living in a civilized world. If rich nations are not willing to pay this price, they must realize that they will end up facing exponential rises in the cost of security.

In some cases, it may also be necessary to consider redefining the state in order to create a viable long-term situation. For example, where there are endemic ethnic conflicts, perhaps a federal model should be considered or, in extreme cases, the creation of new states. These redefinitions of the state have occurred in the past and may be required in the future. However, for such radical solutions to be acceptable, they must be determined by the will of the people and not imposed by outsiders.

Potential Follow-up Actions

- At the conceptual level, there is a need for further work on clarifying the definition, indicators and contributing factors for failed and fragile states. An important contribution could be to engage southern scholars, leaders and peacekeepers on a practical analysis of the way forward in dealing with this issue.
- At the normative level, there is a need for further development of the doctrine of the “responsibility to protect.” Although the principle was accepted at the UN Summit of September 2005, there is more work to be done to clarify the criteria and institutional processes for applying the doctrine in relation to failed states. As the doctrine is developed, there should be more specific references to the situation of massive human rights violations. There is also the need to carefully constrain and define the criteria for the use of force, as well as to concentrate on the preventative aspects of the doctrine. Politically, it is important that the doctrine develop in a manner that it is understood and serves as a legitimate expression of international solidarity and not as a form of neo-colonialism.
- The circulation of small arms is a significant factor in the escalation and perpetuation of state fragility and human rights violations. Additional efforts for the creation of effective international mechanisms to constrain the circulation of small arms should be part of a long-term strategy on this issue.
- It is important not to just talk about prevention, but to take action. A further discussion could be organized on this specific topic, where the various participants could discuss how their institutions and networks could collaborate. For example, Rights & Democracy is working with the newly created Rapid Response Unit at the UN Office of the High Commissioner for Human Rights in an effort to better coordinate our responses to urgent human rights situations.

Thematic Cluster 4 – Sustainable Development, the Environment and Human Rights

Chair: Stephen Toope, President & CEO, Trudeau Foundation (Now, the President of the University of British Columbia)

Lead Discussant: Jorge Daniel Taillant, Executive Director, Centre for Human Rights and Environment

Sometimes a picture is worth a thousand words: the discussion began with a reflection on a photograph of a family that lives in a garbage dump, a graphic illustration that brings together the problems of poverty, environmental degradation and violations of human rights.

The connection between the environment and human rights is an important issue since it breaks new ground about the legal protection of individuals, communities and the environment in which they live. For instance, there are now examples of successful legal action to promote and protect access to water, as a matter of human rights, whereas this would have in the past been dealt with more as a political or administrative matter. Nonetheless, there is still a need to further entrench the right to water, and other human rights that are linked to the environment, in our national and international laws and regulations.

There are many other linkages between the environment and human rights:

- the right to health and the right to life when a river is contaminated
- the right to an adequate standard of living (to housing, sanitation, food and water) when families are forced to survive in a garbage dump
- the right to adequate work when the land provides no resources and opportunities for individual and community development
- worker's rights when employees are forced to accept toxic or dangerous working environments to earn their livelihood
- the right to information when local communities are not consulted about governmental or corporate projects that have a negative impact on the environment
- the rights of children as in the case of the children of Tibiri in Niger who have all contracted physical deformities because of polluted water

- the rights of women, who often have additional burdens to deal with environmental degradation, such as walking further to find clean water or firewood
- and, of course, the right to a healthy environment.

The link between poverty and environmental degradation has an important dimension: the worst cases of contamination and environmental damage normally take place where the local population does not have a strong voice and cannot make the polluter behave more responsibly, or for that matter, leave. Furthermore, some of the most serious consequences of climate change and environmental disasters tend to be visited on the poorest communities and nations. With respect to poverty and the environment, work remains to be done in further developing the tools to protect economic, social and cultural rights.

Often, in developing countries, environmental protection is juxtaposed with the need for development. However, this raises the key question of sustainability: if development serves to destroy the environment, and those individuals who live and work in that environment, there can be no further development.

That said, parts of the developing world desperately need development and investment less there be no hope for the thousands and millions of young people—often with university degrees—who are unemployed and dream only of leaving their country. Here, the creation of practical tools, like environmental and human rights impact assessments, can help promote responsible investment.

In relation to sustainability, there is also a need for work on strategies for energy conservation, as well as for the treatment of toxic and nuclear waste. This relates to the need for preventative actions, to create safeguards against environmental disasters.

Turning to the future, we will need to think about creating sustainable cities, as the global population becomes increasingly based in urban centers. Therefore, further discussions about the link between human rights and the urban environment should be undertaken.

Also with respect to sustainability, is there a value-added component to a rights-based approach to development? Arguably, a process for designing and implementing development programs which put human well-being as the ultimate objective, rather than the economy, should have more sustainable results. However, the development community

needs to be further engaged in this reflection; and the human rights community needs to more clearly demonstrate the results of a rights-based approach over an approach based on fundamental human needs. This includes the creation of clearer benchmarks and indicators concerning the implementation and impact of human rights.

A simple answer for a value-added articulation of the environment or sustainable development, in terms of human rights, is the added pressure that can be brought to bear on a situation by the threat of litigation. In a more long-term perspective, human rights can be empowering, as victims become familiar with legal and political processes and are slowly transformed into community leaders.

There is a need for greater education about the linkages between human rights and development, as well as between human rights and the environment. In this regard, it is important to be more precise when talking about human rights: rather than talking about human rights as a slogan, it is possible to engage other groups and sectors of society when we talk about specific rights—like health, education, food, housing, etc. In the details, the linkages may become clearer.

One entry point is the topic of corporate social responsibility, where educational efforts need to be undertaken by the business community and the public, and with students. Current and future business leaders need to be made aware that there are some behaviour, with respect to the environment and human rights, that are not justifiable as part of a profit calculation. There are also social and ethical considerations that should guide their decision-making, particularly when they are operating in developing countries where local legal systems and populations are not strong enough to regulate their behaviour. These are part of the collective responsibilities of all individuals and organs of society with respect to human rights.

Also, members of the judicial system (prosecutors, judges and lawyers) do not have sufficient general knowledge about the environment to adequately protect it. They need to be educated about international law and issues, such as the “precautionary principle” with respect to the environment, as well as about the economic, social and cultural rights’ justifiability.

In terms of education, it is important to work with the media, which allow messages to percolate throughout society and influence the work of decision-makers, as well as informing those whose rights are violated

that they may have recourse. The Internet also creates tremendous opportunities for sharing information and expertise, and can be used creatively in new contexts, to protect human rights and the environment.

It is important not to forget to engage the state, as it has the fundamental responsibility to respect, protect and promote human rights. Therefore, as the human rights relating to the environment are articulated and entrenched, these will become obligations of the state.

A word of caution, however, was presented about linking human rights and the environment. Although these linkages may be effective strategies, there is a risk of anthropocentrism, in that the environment will be protected solely as a human good and not as a good in its own right. Ecosystems, animals and the biosphere all deserve protection, without bringing into the argument their benefit to humans.

The participants were reminded of a powerful symbol of the link between the environment and human rights, in the person of Ken Saro Wiwa, the Nigerian environmental activist who was tried and executed by his government. Since his death, he has become a common symbol for the environmental and the human rights communities who are finding themselves confronting many of the same issues and same opponents.

Potential Follow-up Actions

Some of the potential follow-up actions from this discussion include:

- Further conceptual work on the linkages between the environment, sustainable development and human rights. Further discussions should also include a greater number of environmental activists and southern partners, to broaden the dialogue and come up with practical strategies and recommendations.
- An additional conceptual point that should be addressed and articulated by the human rights community relates to the question of the value-added aspect of rights-based approaches. Convincing arguments, backed up by simple indicators, are needed to gain greater acceptance of a rights-based approach.
- Educational efforts should be undertaken vis-à-vis the state, the business community, students and the general public. These occasions should be used to link the human rights community with development and environmental groups, as well as to share information

and tactics for more convergent advocacy efforts at the international, regional and national levels.

Final Session: Other Issues for the Future?

Chair: Henri-Paul Normandin, Director, Human Rights, Gender Equality, Health and Population, Foreign Affairs Canada

This final session provided the participants an open opportunity to identify other emerging issues and make suggestions for future discussion and action. These included the following:

- The human rights issues presented by new technologies, for example in the field of human cloning or in surveillance technologies. Special attention needs to be paid to women's rights in all discussions of medical technologies and bioethics.
- The issue of criminal organizations, which was discussed in passing in the context of non-state actors, was underlined as an important issue for the future.
- The issue of human rights in the context of the information society. Although the World Summit on the Information Society, held in Tunisia, did not produce the results expected, there have been important issues relating to the digital divide and cyber crimes that have been put on our radar and which need to be further explored.
- In the post-conflict context, a recurring issue is posed about peace versus justice. In other words, what weight should we place on the prosecution of human rights abusers and what amnesties or concessions can we accept for the sake of national reconciliation? Given the number of recent experiences with transitional justice and various forms of truth and reconciliation commissions, there is sufficient material to draw lessons and models for the future.
- The issue of protecting human rights in humanitarian operations following natural disasters. This issue was raised forcefully in the case of the relief efforts following the catastrophic tsunami in South-East Asia.
- How to build international solidarity through a renewed approach; one that works towards international cooperation and does not see development assistance as charity but rather as a matter of human

rights. How will the landscape of international cooperation be affected by the rising influence of countries like China, India and Brazil?

- How can the root causes of conflict, in the context of international peacekeeping operations, be addressed? The costly investments in peacekeeping operations may not create long-term peace and security once the international forces have left.
- The erosion of human rights norms and standards, especially in the context of the “war on terrorism.” How to ensure that the new Human Rights Council develops new norms, safeguards existing norms and effectively implements them at the national level? More broadly, the challenge of implementing human rights has to become a major preoccupation for all actors.
- A related challenge for the implementation of human rights is the extra-territorial application of laws for individuals and corporations. In the absence of binding international norms or effective corporate responsibility mechanisms, this is an important avenue for exploration. Similarly, the concept of “complicity” merits further development as a manner to protect human rights from corporate violations.
- Another challenge for strengthening implementation is making stronger links between international human rights law and international humanitarian law. There is already an inter-ministerial commission in Canada that discusses the application of international humanitarian law; perhaps its membership could be expanded to widen and deepen the discussion. Failing that, a conference could be organized on this subject, focusing on specific country situations like the Democratic Republic of Congo or Uganda.
- How can democracy be entrenched in different countries through appropriate institutions and processes, and going beyond elections?
- The problem of migration and internally displaced persons can be related to all of the emerging issues discussed during the Roundtable. Migration is a natural consequence of systematic human rights violations and calls out for more effective international protection for the rights of these vulnerable individuals or groups; they are people who are trying to escape one deplorable situation and find themselves caught without legal status or protection in between borders.

- To address any and all of these emerging issues, there is a need to develop stronger networks between human rights defenders and institutions in the North and in the South. Similarly, there is a need for stronger partnerships between government institutions, corporations and civil society organizations around common objectives and campaigns.
- Finally, how can each person maintain a sense of interconnectedness with faraway victims of human rights, in order to retain the creativity, courage and determination to continue to stand up and fight for the rights of others within his or her sphere of influence?

CONCLUSION

Vitit Muntarbhorn, Board Member, Rights & Democracy

International and human rights law have generally dealt with the state or its representatives committing wrongful acts. Today there is a myriad of non-state actors, such as transnational corporations, warring clans and bands of terrorists who also commit human rights violations. These actors should be held responsible through the application of national and international laws. While non-state actors cannot generally become parties to international treaties, some have committed themselves to such treaties by means of unilateral declaration. Various Codes of Conduct of Ethics have also been adopted as a form of self-regulation. In promoting democracy, development, peace and human rights, non-governmental organizations and civil society members, often acting as volunteers, are broadly recognized as having a key role to play.

At the heart of universality is the axiom that international/universal human rights standards are guaranteed internationally as the minimum benchmark for all to follow. These standards are particularly embodied in various international treaties and declarations. A number of countries still have not become party to universal human rights treaties; some countries emphasize civil and political rights rather than economic, social and cultural rights, while it is the reverse for other countries. Many states still favour assimilationist or integrationalist policies, which marginalize minorities that are at the heart of cultural diversity. It is time to explore another term — cultural pluralism — a less centrifugal and more centripetal force for inclusion and participation between different cultures. While there are aspects of some cultures that contradict universal human rights — particularly gender discrimination, violence against women and children, and antipathy towards sexual orientations — every culture is

based on values that have universal appeal (eg. charity, giving, compassion, etc.). Cultures may also elevate human rights standards with the spiritual elements that are not adequately underlined in international human rights instruments.

A fragile or failed state implies a situation where the government of a state cannot or will not deliver core functions to the majority of its people, including the poor. In response, there is now a global democracy fund, which may improve conditions for nurturing democracy, and help to reduce tensions. There is also the UN Human Rights Council to be created in place of the current UN Human Rights Commission — the latter being critiqued due to the presence of several of the world's human-rights violators wielding power in the Commission. This will provide more room for addressing emergencies at the field level, in a manner that is quick and sustained. Linked to the idea of a failed state is the notion of the "responsibility to protect." This implies that state sovereignty is not absolute and that the state has responsibility to address conditions that may give rise to human rights violations, such as genocide, ethnic cleansing, war crimes and crimes against humanity. While the responsibility to protect opens the door to action by the UN through the Security Council, it could also call for preventive actions, such as emergency and humanitarian measures. There are various issues involved with the idea of responsibility, for example the ongoing issue of aid provision with or without conditions.

There are trans-frontier as well as national dimensions in the nexus between human development, human rights and the environment. Environmental destruction and its impacts are felt regardless of borders, as is the case with global warming and climate change. Disquietingly, the most serious carbon emissions are from developed countries, with negative impacts on developing countries. Thoughtful forms of humanity can contribute significantly and preventively to reduce risks that give rise to such disasters. For example, the precautionary principle advocates that, regardless of clear scientific evidence, action must be taken to protect the environment in the face of irreversible damage. As well, the human rights-based approach to development has been advocated by various quarters, with a current focus on increasing accessibility and participation to all, including marginalized groups. In its efforts, the UN Secretary-General and UN High Commissioner for Human Rights call for the strengthening of national protection systems, such as national human

rights commissions, courts systems and civil society. Millennium Development Goals suggest important targets to reach in the next 10 years, such as reducing the number of those living in absolute poverty by half, providing primary education for all, and offering debt relief to certain countries to avoid the perpetual cycle of debt servicing. Towards a more sustainable development taking into account the environment and human rights, strategies must highlight the need for local groundwork as well as early warning, effective response and recovery measures.

AGENDA

February 16, 2006

2:30 – 3:00

Welcoming remarks: Jean-Louis Roy, President, Rights & Democracy

3:00 – 5:00

Thematic Cluster 1 – Non-state Actors and Human Rights

Chair: Razmik Panossian, Director of Policy, Programmes and Planning, Rights & Democracy

Lead Discussant: Ann Jordan, Director, Global Rights

Key Questions:

- “Only states commit human rights violations; non-state actors commit crimes.” Is that claim valid and useful? Or do we need a new paradigm?
- Should international law and policy change to reflect the reality and role of non-state actors? If so, how? What is an effective approach with respect to corporations? What is an effective approach to armed groups? Are there any common threads?
- How can non-state actors (particularly NGOs, businesses and diasporas) become more useful in the development of international policy and delivery of development assistance in the field of human rights?
- What other issues are on the horizon? How do we push the agenda forward?

6:00 – 9:00

Dinner: Keynote address and discussion

6:00 – 7:00

Cocktail

7:00 – 8:00

Dinner

8:00 – 9:00

Keynote: Vitit Muntarbhorn, Board Member, Rights & Democracy

February 17, 2006

8:30 — 9:00

Breakfast

9:00 — 10:45

Thematic Cluster 2 — Culture/Religion and Human Rights*Chair: Henri-Paul Normandin, Director, Human Rights, Gender Equality, Health and Population, Foreign Affairs Canada**Lead Discussant: Aminata Traoré, Former Minister of Culture of Mali***Key Questions:**

- How can we give meaning and substance to the universality of human rights? Or is this concept a delusion? Are there more productive approaches to promoting human rights across cultural and religious divides?
- Are human rights dialogues effective means of promoting human rights in places with different religious and cultural traditions?
- What room is there to accommodate various cultural and religious beliefs in the promotion and protection of human rights? Conversely, are there “red lines” beyond which the human rights community should refuse to compromise with cultural or religious groups (e.g. women’s rights?)
- What role can Canada play internationally given its multicultural and multi-religious social composition? Are there groups and institutions we should be working with more closely?
- What other issues are on the horizon? How can we push the agenda forward?

10:45 — 11:00

Health break

11:00 — 12:45

Thematic Cluster 3 — Fragile States and Human Rights*Chair: Razmik Panossian, Director of Policy, Programmes and Planning, Rights & Democracy**Lead Discussant: Major Brent Beardsley, Research Officer, Canadian Forces Leadership Institute at the Royal Military College of Canada***Key Questions:**

- Now that the idea of the Responsibility to Protect has been endorsed by the international community, what will this imply for human rights?
- In conflict situations, there are particular concerns for the rights of refugees and internally displaced people; but, are we forgetting other

groups? Should we maintain an approach that focuses on particularly vulnerable groups or should we adopt a more holistic approach?

- How do we deal with private actors, such as armed groups or corporations, whose behaviour in fragile states has a significantly negative impact on human rights? Conversely, how do we ensure the accountability and effectiveness of NGOs and multilateral institutions, whose objective is to protect and promote human rights?
- How should Canada choose and focus its human rights interventions in failed and fragile states?
- What other issues are on the horizon? How do we push the agenda forward?

12:45 — 2:00 *Luncheon and discussion: Other Emerging Issues?*

2:00 — 3:45

Thematic Cluster 4 — Sustainable Development, the Environment and Human Rights

Chair: Henri-Paul Normandin, Director, Human Rights, Gender Equality, Health and Population, Foreign Affairs Canada

Lead Discussant: Jorge Daniel Taillant, Executive Director, Centre for Human Rights and Environment

Key Questions:

- Are human rights approaches to development useful on-the-ground tools? Or are they pie in the sky?
- What are the productive and promising avenues for convergence between environmental and human rights issues?
- Should concepts such as the right to water and the right to development be entrenched in law? What are the benefits and what are the obstacles?
- What have we learned with respect to human rights in the context of natural disasters? What needs to be tried or done better next time?
- What other issues are on the horizon? How can we push the agenda forward?

3:45 — 4:00

Health break

4:00 — 5:00

Summary and Conclusions

PARTICIPANTS LIST

Rights & Democracy

Jean-Louis Roy, President

Razmik Panossian, Director of Policy, Programmes and Planning

Ariane Brunet, Coordinator, Women's Rights

Carole Samdup, Programme Officer

Foreign Affairs Canada

Henri-Paul Normandin, Director, Human Rights, Gender Equality, Health and Population

Deborah Chatsis, Deputy Director, Human Rights

Alex Young, Policy Officer, Human Rights

Montreal Region

Stephen Toope, Trudeau Foundation (has since become President of University of British Columbia)

François Crépeau, CERIUM

Sylvain Beauchamp, Canadian Red Cross

Gregory Baum, McGill University

Fatima Houda-Pepin, MPP for La Pinière

Ottawa Region

Senator Raynell Andreychuk, Chairperson of the Senate Committee on Human Rights

Bruce Rayfuse, Global Affairs Secretariat, Privy Council Office

Naresh Singh, Canadian International Development Agency

Lauchlan Munro, International Development Research Centre

Khalil Z. Shariff, Aga Khan Foundation Canada (Global Centre for Pluralism)

Alexis Kontos, Human Rights Law Section, Department of Justice

Aly Alibhai, International Legal Programs Section and Centre for International Justice Reform, Department of Justice Canada

	Alex Neve , Amnesty International Canada
	Major Brent Beardsley , Canadian Forces Leadership Institute at the Royal Military College of Canada
Toronto Region	Lois Wilson , United Church of Canada, and former Senator of Canada
United States	Bacre W. Ndiaye , New York Bureau of the Office of the High Commissioner for Human Rights, New York, United Nations Ann Jordan , Anti-Trafficking Initiative, Global Rights, Washington Les Campbell , National Democratic Institute
Denmark	Thomas Trier Hansen , Danish Institute for Human Rights
France	Soheib Bencheikh , Institut supérieur des sciences islamiques
Senegal	Sidiki Kaba , Fédération internationale des ligues des droits de l'homme
Mali	Aminata Traore , former Minister of Culture of Mali and organizer of the African Social Forum
Argentina	Jorge Daniel Taillant , Centre for Human Rights and Environment
Thailand	Vitit Muntarbhorn , International Member of Rights & Democracy Board of Directors, UN Special Rapporteur on the Situation of Human Rights in the Democratic Peoples' Republic of North Korea

Observers

CIDA	Melanie Boyd , Senior Policy Analyst, Human Rights and Participation Division
Canadian Red Cross	Sophie Rondeau
Conseil de Réflexion et d'action islamique	Christine Lacroix
Foreign Affairs Canada	Jennifer Hart , Senior Policy Officer, Human Rights Jeanette Sautner , United Nations, Human Rights and Economic Law Division Deena El Sawy , Legal Officer, United Nations, Human Rights and Economic Law Division
Rights & Democracy	Lloyd Lipsett , Senior Assistant to the President

Diana Bronson, Coordinator, Globalization and Human Rights

Marie Léger, Coordinator, Indigenous Peoples' Rights

Michael Wodzicki, Coordinator, Democratic Development

Cynthia Gervais, Coordinator, Rights & Democracy Network

Barbara MacLaren, Student Network

Jean-Philippe Deschamps-Laporte, Student Network

Nathalie Weizmann, Consultant