

## **Human Rights Watch**

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# **Human Rights in Security and Development: Recommendations for the G8 Summit, June 2002, including the G8's Action Plan for Africa**

The G8 summit in Kananaskis, Canada in June 2002 comes at a critical time for global security and development. In the lead up to the summit, Human Rights Watch has written to G8 leaders, highlighting not only specific human rights concerns, but also the integral role human rights can play in responding to the many international challenges on the G8's agenda.

Human Rights Watch commends the far-sighted Miyazaki Initiative on Conflict Prevention adopted by G8 foreign ministers in the lead up to the G8 summit in Okinawa in July 2000. The G8 affirmed that *"efforts to prevent conflict must be based upon observance of international law, including the U.N. charter, democracy, respect for human rights, the rule of law, good governance, sustainable development and other fundamental values, which constitute the foundation of international peace and security."* The Miyazaki Initiative called for a new "culture of prevention", based on comprehensive approaches that addressed the root causes of conflict and ensured respect for human rights and the protection of civilians.

Human Rights Watch also welcomes G8 leaders' recognition at their Genoa summit in 2001 that *"open, democratic and accountable systems of governance, based on respect for human rights and the rule of law, are preconditions for sustainable development and robust growth."* This was reinforced at the International Conference on Financing for Development in Monterrey, Mexico in March 2002 which declared that "good governance at all levels is also essential for sustained economic growth, poverty eradication and sustainable development worldwide." The Monterrey Consensus recognized that respect for human rights, the rule of law, and gender-equality is essential to good governance and sustainable development.

As the world faces new challenges in containing the proliferation of conflict and sustaining economic development, such comprehensive approaches to security and development have never been more urgent. Human Rights Watch hopes the important principles articulated at Miyazaki, Genoa and Monterrey will guide the G8's responses to the critical issues on its agenda, including the fight against terrorism; the situation in Afghanistan; poverty reduction and debt relief; challenges for peace and development in Africa; the HIV/AIDS crisis; landmines and small arms.

## **Fight against terrorism**

For many years, the G8 has played a leadership role in the development of measures to combat terrorism. Since the September 11 attacks in the United States, these efforts have been redoubled, particularly through law enforcement cooperation and legal measures against the financing of terrorism. But such measures, however important, will not alone be sufficient to defeat terrorism. Success against terrorism over the long term will require the "comprehensive approach" envisaged by G8 foreign ministers at their Miyazaki meeting, addressing the human rights violations that give rise to violence and extremism by precluding the resolution of grievances through peaceful, democratic processes. It will also mean ensuring that action against terrorism does not compromise fundamental rights and

freedoms and fully complies with the international human rights and humanitarian law standards which help define the moral boundaries that terrorism transgresses.

Human Rights Watch is concerned that many governments, including some G8 members, have used the anti-terror campaign as an opportunity to curb unnecessarily civil liberties and tighten arbitrarily restrictive and punitive policies against refugees, asylum-seekers, migrants and other foreigners. The U.S. and the U.K., for instance, have introduced measures that permit the prolonged arbitrary detention without adequate judicial review of foreigners suspected of terrorist activity. Others, such as Russia, have used the fight against terrorism to justify the brutal violations of human rights and international humanitarian law by their forces against armed secessionists and those suspected of supporting them. Some international standards on terrorism - particularly regional instruments such as the Organization of African Unity (OAU) Convention on the Prevention and Combating of Terrorism (1999), the SAARC Regional Convention on the Suppression of Terrorism (1987), and the Organization of the Islamic Conference (OIC) Convention for Combating International Terrorism (2000) - contravene human rights standards and are open to abuse. In particular, the definition of terrorism in many of these treaties is so wide as potentially to criminalize activities that involve no more than the peaceful exercise of the rights to freedom of expression, association, and assembly.

Human Rights Watch is concerned at the tendency by some G8 leaders to rationalize or justify human rights abuses in the name of fighting terrorism. For example, in the days following September 11, German Chancellor Schroeder and Italian Prime Minister Berlusconi called for a "reassessment" of Russia's abusive actions in Chechnya. G8 governments have also extended new economic and military assistance to governments - such as those in Tajikistan and Uzbekistan - that have long records of serious human rights abuse, justified in the name of the fight against terrorism. This may signal to other governments - for instance China or Zimbabwe - that they can justify repression of dissent and ethnic minorities on similar grounds.

As G8 leaders chart the next phase of actions against terrorism at the Kananaskis summit, Human Rights Watch urges them to affirm, clearly and strongly, that counter-terrorist measures must comply fully with international human rights, humanitarian and refugee law. This clear statement of principle should guide the work of G8 justice ministers and the G8's experts groups on counter-terrorism (the Rome Group) and transnational organized crime (the Lyon Group). For instance, any definition of terrorism must be restricted to recognizable crimes, and not be so wide as to constrain legitimate political activity. Measures to facilitate the extradition and prosecution of terrorist suspects must ensure full safeguards for fair trial and protection against torture, cruel, inhuman or degrading treatment, and application of the death penalty. Any measures undertaken in the areas of immigration and asylum must recognize the fundamental human rights of all migrants and refugees, regardless of their status and, in particular, ensure adequate protection for the victims of trafficking, access to full and fair asylum procedures, and the prohibition of *refoulement*.

Human Rights Watch urges the G8 to take the following measures to help ensure that human rights considerations are fully integrated into G8 actions against terrorism. G8 leaders should:

- appoint a ministerial-level task force to examine specific ways in which the G8's Miyazaki Initiatives for Conflict Prevention can be extended to the fight against terrorism;
- include independent human rights experts in the Rome Group on counter-terrorism and the Lyon Group on transnational organized crime and require these expert groups explicitly to address implications for human rights and refugee protection in their reports and recommendations;

- invite the U.N. High Commissioner for Human Rights and relevant experts of the U.N. Commission on Human Rights to analyze and make recommendations on G8 measures against terrorism and transnational organized crime.

## **Afghanistan**

At the time of the Kananaskis summit, Afghanistan's post-Taliban transition will be entering a crucial new stage with the completion of the *loya jirga* process and the installation of a popularly supported, broadly representative government. G8 members have played a leadership role in promoting a political settlement to Afghanistan's internal conflict and have made generous pledges to the country's reconstruction and development during and following the donors conference in Tokyo. It is critical that this significant investment in the future of Afghanistan be safeguarded against emerging threats and insecurity.

At their Miyazaki meeting, G8 foreign ministers recognized the general importance of "*promoting the consideration of conflict prevention in development assistance strategies; focussing assistance to ensure quick action to prevent conflict; and ensuring a smooth transition from emergency humanitarian assistance to development assistance in the post-conflict stage.*" They stressed the importance of effective programs of disarmament, demobilization, and reintegration of former combatants, and called for increased capacity and support for U.N. civilian police operations.

The restoration of peace and security in Afghanistan poses a critical test to these principles and commitments. Human Rights Watch, which has maintained a steady monitoring presence inside Afghanistan in recent months, has documented increasing tensions and clashes between rival factions in the northern, western and southern regions of the country. This general climate of insecurity has threatened the integrity of the *loya jirga* process; targeted ethnic minorities and undermined confidence in the central government; jeopardized the freedom and political participation of Afghan women and girls; prevented refugee return in some areas; and made it difficult for humanitarian agencies to deliver aid. It is leading to the return of warlords with abusive records, including some Taliban supporters and others associated with the brutal former Afghan Prime Minister, Gulbuddin Hekmatyar.

Human Rights Watch believes that an expanded international security presence is essential if effective political and economic reconstruction is to take place in Afghanistan. Despite the technical assistance now being provided by G8 members, Afghanistan's police force and national army are still a long way from being able to ensure security throughout the country. Authorities across Afghanistan – Chairman Hamid Karzai, provincial governors, civil society leaders, and even some warlords – recognize this pressing problem and have called for a deployment of international forces to provide greater security in cities and on roads around the nation.

Human Rights Watch was disappointed that the U.N. Security Council, in Resolution 1413 of 23 May, failed to act on these warnings by authorizing the expansion of the International Security Assistance Force in Afghanistan. In the light of this decision, Human Rights Watch urges the G8 to consider various intermediary measures to improve the security situation nationwide. These might include conducting new assessments on the issue of expansion; exploring region-by-region deployment; basing reconnaissance or rapid reaction forces in Kabul; discussing how existing coalition forces can be involved in efforts to improve security; and greatly expanding the number of civilian monitors.

Human Rights Watch welcomes the assistance G8 members are providing to the rebuilding of Afghanistan's legal and judicial system. But in laying the foundation for the rule of law in

Afghanistan, it will also be important to address past abuses. The question of how best to achieve justice and reconciliation was left open in the Bonn agreement, but will become critical as the country moves forward through this transitional phase. As a new government is established in Afghanistan, Human Rights Watch urges the G8 to underscore the central importance of accountability for those responsible for the most serious abuses and their exclusion from positions in the new government, military and police. Human Rights Watch also urges G8 members to provide support for the establishment of a domestic human rights commission, provided for in the Bonn agreement, which can play a crucial role in monitoring, educating, and training Afghan police and security personnel.

### **Poverty reduction, debt relief and development**

The G8 has played a major role in reshaping the international development agenda, particularly in the fields of poverty reduction and debt relief. As the Kananaskis summit considers the next phase of this important work, Human Rights Watch urges G8 members to integrate the promotion and protection of human rights more fully into the G8's development agenda.

As the U.N. Committee on Economic, Social and Cultural Rights has concluded "*anti-poverty strategies are more likely to be effective, sustainable, inclusive, equitable and meaningful to those living in poverty if they are based on international human rights.*" A human rights approach to development helps to ensure that critical issues such as non-discrimination, equality, participation and accountability are given priority. The human rights framework reinforces the right of those affected by key decisions to participate in relevant decision-making processes, an approach now promoted by G8 members and the international financial institutions through the Poverty Reduction Strategy process. Using the human rights framework can strengthen policy coherence, coordination and cooperation among agencies and donors, one of the G8's most important objectives.

In its approach to poverty reduction and debt relief, the G8 has sought increased accountability at all levels. This approach has informed the Heavily Indebted Poor Countries (HIPC) initiative and the Poverty Reduction Strategy process (PRSP), along with new models to monitor the social expenditure of resource revenues – such as the IMF's oil diagnostic in Angola and the process for civil society input into how revenue from the Chad-Cameroon pipeline will be spent. International human rights standards can be used to reinforce this approach by holding governments to account for their legal obligations with respect to critical development issues, for instance in the provision of education or health services. Human rights can be used to establish objective, universal and, above all, people-centred indicators and benchmarks with which to measure progress, and foster public participation in the decision-making of governments and their use of public funds.

Human Rights Watch calls on G8 members to take into account both their own and developing countries' international human rights obligations in framing poverty-reduction and debt-relief strategies. While these obligations may vary from country to country and sector to sector, they include major international human rights covenants, as well as international commitments such as the Millennium Development Goals set at recent international summits. G8 members, both through their own development assistance programs and their membership of the international financial institutions, should help recipient governments fulfil their international human rights treaty obligations. At the very least, they should avoid policies and practices that make it more difficult for governments to fulfil their treaty obligations, for instance on the rights to education, health or core labor standards on freedom of association. More can also be done through the PRSP and other processes to ensure meaningful opportunities for civil society input and participation.

Human Rights Watch notes the G8 has established expert task forces to advise on ways it can cooperate with developing countries to pursue international goals, such as those on primary education agreed at the Dakar Conference in 2000. The Monterrey Consensus also stressed that *“future reviews of debt sustainability should also bear in mind the impact of debt relief on progress towards the achievement of the development goals contained in the Millennium Declaration.”* Human Rights Watch urges the G8 to extend this approach to other sectors by inviting the High Commissioner for Human Rights and relevant U.N. experts, such as the Committee on Economic, Social and Cultural Rights, to advise on ways human rights can be integrated – and monitored – within such development strategies.

## **Action Plan for Africa**

Human Rights Watch commends G8 leaders for the priority attention they have given to development in Africa following the G8 Genoa summit in 2001. Human Rights Watch welcomes the G8’s commitment to support the New Partnership for Africa’s Development (Nepad) through a G8 Action Plan for Africa. The upcoming G8 summit provides an important opportunity to ensure that key human rights concerns are fully integrated and addressed within the Nepad framework. Human Rights Watch notes with concern, however, that the list included in the 2001 Genoa Plan for Africa of key Nepad themes which the G8 would support did not include explicit mention of human rights.

Nepad’s promoters acknowledge that it *“will be successful only if it is owned by the African peoples.”* They call on *“African peoples to take up the challenge of mobilizing in support of the implementation of this initiative.”* The importance of civil-society involvement in development was recognized by African governments as early as 1990, in the African Charter for Popular Participation in Development and Transformation. But, to date, there has been little effort to involve non-governmental organizations and civil society institutions in the development of Nepad. As G8 leaders consider the G8’s response to Nepad, it is vital that they listen to these African voices, their hopes and priorities, their concerns and fears. Human Rights Watch urges G8 leaders to request their special representatives for Africa proactively to seek input from civil society and that the G8’s Action Plan for Africa provides for the full participation of non-governmental actors in Nepad’s further development and implementation.

Nepad is based on a recognition that *“peace, security, democracy, good governance, human rights and sound economic management are conditions for sustainable development.”* Yet the Nepad document, in its current form, fails to draw on the international and regional human rights framework or offer concrete initiatives for upholding human rights. As a starting point, Nepad and the G8 Action Plan for Africa should include a specific affirmation of international and regional human rights standards, including the African Charter on Human and Peoples’ Rights, the African Charter on the Rights and Welfare of the Child, and the OAU Refugee Convention, as the foundation for good governance and sustainable development.

Nepad recognizes the need to *“develop clear standards of accountability, transparency and participatory governance at the national and sub-national levels”* and commits to developing *“appropriate diagnostic and assessment tools in support of compliance with the shared goals of good governance.”* What better criteria and standards could there be than the international and regional human rights covenants and treaties to which many African governments are already committed? Human Rights Watch urges the G8 to encourage African leaders to ensure that the Code of Governance and the Peer Review Mechanism they are developing through Nepad incorporate international and regional human rights standards and provide appropriate enforcement mechanisms in the case of noncompliance. The standards developed for Nepad could draw on the work already being done by the U.N. Economic Commission for Africa to develop indices for good governance. These indicators include effective representation of all sectors of society in government structures; free access to

information and respect for the role of the media; executive respect for the rule of law; independence and capacity of the judiciary; the effectiveness of law enforcement institutions; and the capacity for effective service delivery to the poor. They could also build upon the existing IMF Code of Good Practices on Fiscal Transparency.

Nepad also presents an important opportunity to complement and reinforce the development of the African Union. In particular, Human Rights Watch urges that the African Commission on Human and Peoples' Rights be formally adopted as an organ of the African Union and receive the resources and political backing needed to carry out its mandate. Human Rights Watch hopes that Nepad can also be used to promote ratification of the Protocol for the Establishment of an African Court on Human and Peoples' Rights.

Human Rights Watch is surprised that Nepad makes little or no reference to the specific protection and development needs of the most vulnerable and marginalized groups in Africa: women, children, refugees and internally displaced people:

- Nepad speaks of “promoting the role of women in social and economic development” and “assuring their participation in political and economic life”, but fails to address issues of systemic violence, including rape and harmful traditional practices, and discrimination against women. The African Platform for Action, adopted in November 1994 in advance of the Beijing summit, broke new ground in recognizing women’s rights in Africa. Progress has been made in developing an Additional Protocol on Women’s Rights to the African Charter on Human and Peoples’ Rights, which is scheduled for adoption by the OAU summit in June 2002. However, a government experts’ meeting to discuss the draft scheduled for May 2002 had to be postponed because an insufficient number of governments indicated that they were sending delegates. The G8 should use Nepad to press the adoption of a strong women’s rights protocol by the OAU and its widespread ratification by African governments. Nepad should also promote systematic efforts to enforce the provisions of the Convention for the Elimination of All Forms of Discrimination against Women (CEDAW), its Optional Protocol and other instruments on women’s rights in Africa, including with respect to customary law.
- Nepad is silent on another issue that is critical to Africa’s security and development: the protection of refugees and the internally displaced. African countries host 3.3 million refugees or 28.5 per cent of the world’s refugee population; 9.5 million or nearly half of the world’s 20 million internally displaced persons are in Africa. One in fifty African people has been displaced from his or her home or sought protection across borders. While African countries host some of the world’s largest and most entrenched refugee and displaced populations, donor funding for these crises remains woefully inadequate. In many countries, refugees and internally displaced persons, both in camps and urban areas, have inadequate access to basic needs assistance and are exposed to serious human rights abuses. Many refugee camps in Africa continue to be placed dangerously close to international borders and subject to military infiltration and recruitment, including of children. There is a critical need for durable solutions, not only in creating safe conditions for return, but also in regularizing the legal status of refugees in host countries, encouraging their longer-term integration, and increasing resettlement opportunities. Human Rights Watch urges the G8 to include in its Action Plan for Africa specific initiatives to promote refugee protection through Nepad, in line with the OAU’s own 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa and the Comprehensive Implementation Plan for Protection Activities in Africa endorsed by the OAU in July 2000. G8 members should increase funding for Africa’s forgotten and protracted

refugee and displacement crises, and promote durable solutions, including third-country resettlement and local integration for African refugees.

- At the recently concluded U.N. General Assembly Special Session on Children, world leaders declared that they would “*give priority attention to meeting the needs of the world’s most vulnerable children in developing countries, in particular in the least developed countries and sub-Saharan Africa.*” Nepad makes a welcome reaffirmation of the Millennium Development Goals with respect to children, including in the areas of infant and child mortality and primary schooling. But it offers few concrete strategies to ensure children’s rights are a priority focus for development. The African Charter on the Rights and Welfare of the Child offers a powerful and comprehensive framework for the protection of children. Human Rights Watch encourages the G8 to support with appropriate resources the newly-created African Committee on the Rights of the Child which will support and advise governments on these issues. Human Rights Watch also urges the G8 to protect children in armed conflict by following through on the G8’s commitment at the Okinawa summit to “*concert the G8’s pressure in U.N. and other fora against governments and armed groups ... when children are specifically targeted and/or participants in a conflict*” and to “*take account of, and promote international standards on the non-use of child soldiers in considering military assistance to armed forces in third countries.*”

At the Genoa summit in 2001, G8 leaders pledged a “*continued commitment to conflict prevention, management and resolution by the international community in partnership with African governments, the African Union and sub-regional organizations.*” Nepad recognizes the need for “*strengthening mechanisms for conflict prevention, management and resolution at the sub-regional and national levels*” but does not explicitly acknowledge that human rights violations are themselves a principal cause of conflict in Africa. In focusing on this priority, the G8 should at all times make the critical linkage between peace and security, on one hand, and respect for human rights and the rule of law, including the principle of nondiscrimination, on the other. G8 members should make financial and political commitments to the strengthening of African mechanisms for conflict prevention and the protection of civilians in line with the G8’s Miyazaki principles. To avoid duplication, initiatives developed under Nepad should be integrated with pre-existing mechanisms, including the Organization of African Unity’s Mechanism for Conflict Prevention, Management and Resolution and the Conference on Security, Stability, Development and Cooperation in Africa (CSSDCA); and the similar mechanisms of the subregional organizations such as the Southern African Development Community (SADC) and the Economic Community of West African States (ECOWAS). G8 members should also make concrete commitments to generous support for U.N. peacekeeping operations in Africa, both through the provision of troops and logistic and financial assistance.

In the document setting up the CSSDCA adopted at the 2000 OAU summit in Lomé, Togo, African heads of state and government made a commitment to “*condemn genocide, crimes against humanity and war crimes in the continent and undertake to cooperate with relevant institutions set up to prosecute the perpetrators.*” G8 members should themselves make a similar commitment, and take steps to ensure that perpetrators of such crimes in Africa cannot find refuge in their countries, while urging African countries to do the same. The G8 should provide technical and financial support to the International Criminal Tribunal for Rwanda and the Special Court for Sierra Leone as well as similar initiatives to bring to justice those responsible for the most serious human right abuses.

One of the major factors in many African conflicts is control over valuable natural resources and the revenues they provide to warring parties. Nepad rightly contains measures to promote development in the mining and energy sector, but fails to address this critical issue. In recent years, the G8 has shown

what concerted action can achieve in countering the illicit trade in diamonds or the financing of terrorist activities. There is an urgent need to broaden this approach to other legal and illicit economic activities in areas of armed conflict and to help build African capacity for the effective enforcement of sanctions and other measures against illicit trade. The G8 should press for increased efforts by international financial institutions to ensure transparency in the administration of government revenues from such sources, in line with the existing IMF Code of Good Practices on Fiscal Transparency. The G8 should also take steps to regulate the activities of corporations headquartered within their own jurisdiction that are active in conflict zones, including by supporting the development and adoption within the U.N. and OECD of legal measures against corporate complicity in illicit trade in resources and human rights abuses.

## **HIV/AIDS**

The G8 should expand its commitment to fight HIV/AIDS, not only by pledging increased financial resources bilaterally and through the U.N. Global Fund on HIV/AIDS, Tuberculosis and Malaria, but also by taking steps to address the long-neglected human rights concerns connected with the epidemic. These issues span a broad spectrum from improving the status of women and girls; protecting the rights of injecting drug users, sex workers and other groups whose high risk is enhanced by abuse and stigma; ensuring appropriate access to treatment and information on HIV prevention and AIDS care. The vast majority of those infected by HIV live in countries, mostly in Africa, where treatment is unaffordable. G8 countries should support the claims of countries facing an AIDS epidemic to make full use of TRIPS exceptions to provide access to HIV/AIDS drugs for their populations.

## **Landmines and Small Arms**

The G8 forum presents an ideal opportunity to promote the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction (Mine Ban Treaty) and to reaffirm the emerging international norm against antipersonnel landmines. Eradicating the scourge of landmines is, we believe, central to achieving the G8 goals of promoting global economic growth and security. It is also clear that any plan for the growth and stability in the Africa, the world's most mine-affected continent is destined to fail unless it addresses the region's immense problem with uncleared landmines. The G8 has been willing to tackle the landmine issue in the past, including in 2001. In your 2002 Summit, we urge G8 leaders to raise the issue of mine policy and mine use with their counterparts from the two non signatories to the Mine Ban Treaty in the G8, namely Russia and the United States of America.

The G8 should also recommit to the important principles it advanced two years ago, at the Okinawa summit, to help address the global scourge of small arms and light weapons and reduce the human toll exacted by these weapons. The G8 agreed that governments that trade in arms must do so in a responsible and legal fashion. Now it should dedicate itself to implementing and promoting the key priorities for action that it identified, including strengthening arms export controls, enhancing transparency, improving embargo enforcement, and imposing legal controls on arms brokers. Individual G8 members can work to improve their own record in each of these areas and use their considerable leverage to help bring about necessary reforms in other countries, including those in central and eastern Europe that are key suppliers to highly abusive conflicts in Africa and elsewhere. By doing so, they can reduce the risk that weapons will wind up in the wrong hands and be turned against innocent civilians.