

9-1-2008

## The Rule of Law and the Politics of Fear: Human Rights in the Twenty-First Century

Irene Zubaida Khan  
*Amnesty International*

Follow this and additional works at: <https://digitalcommons.law.buffalo.edu/bhrlr>



Part of the [Human Rights Law Commons](#), and the [Rule of Law Commons](#)

---

### Recommended Citation

Irene Z. Khan, *The Rule of Law and the Politics of Fear: Human Rights in the Twenty-First Century*, 14 Buff. Hum. Rts. L. Rev. 1 (2008).  
Available at: <https://digitalcommons.law.buffalo.edu/bhrlr/vol14/iss1/1>

This James McCormick Mitchell Lecture is brought to you for free and open access by the Law Journals at Digital Commons @ University at Buffalo School of Law. It has been accepted for inclusion in Buffalo Human Rights Law Review by an authorized editor of Digital Commons @ University at Buffalo School of Law. For more information, please contact [lawscholar@buffalo.edu](mailto:lawscholar@buffalo.edu).

# THE RULE OF LAW AND THE POLITICS OF FEAR: HUMAN RIGHTS IN THE TWENTY-FIRST CENTURY\*

*Irene Zubaida Khan*†

## I. HOPE AND DISAPPOINTMENT

In December 2001, three months after I took up my position as Secretary General of Amnesty International and two months after international military action was launched, I visited the border area of Pakistan and Afghanistan. The bombs were still falling inside Afghanistan, but on the border Afghan refugees were jubilant that the Taliban regime was on the way to being defeated and excited that soon they could return home. I talked to them, asking who they were, what they expected to do at home, what they expected to find.

They had very moving stories to tell. Shah Gul's husband had been killed by the Taliban. She fled her village with her three children and her husband's family but was keen to return to her farm and rebuild her life. Bano told me that her two sons had been conscripted by the Northern Alliance. Shortly after that she had left Afghanistan and she had not heard from them for the years she had spent in the refugee camp. She was keen to go back and find them.

A young woman in a blue burqa (tent-like garb that covers the body and face entirely with just a slit for the eyes) sat on a bus, waiting to be driven to her village. She was holding a baby in her arms. I asked her "And you, what do you expect when you go home?" She looked straight into my eyes through the slit in her burqa and she said, "I will go to school. I want to study science and become a scientist." What an astounding statement of hope! She was covered modestly from head to foot, but there was nothing modest about her message. She was telling me that peace is not a matter of military victory; it is creating the possibility for every human being to have hope and to reach their full potential.

Now fast forward to July 2003. When I finally made it to Kabul I found a fortress town, guarded by the Afghan army and American troops, a country in the grip of warlords and drug barons, torn by insecurity and strife and afflicted with extreme poverty. The women I met said they were afraid

---

\* Delivered as part of the Mitchell Lecture, State University of New York at Buffalo Law School, Oct. 25, 2007.

† Secretary General, Amnesty International

to send their girls to school for fear that they would be abducted and raped. I found no women studying science.

I visited the women's prison in Kabul, where some 200 women had been incarcerated for acts that most legal systems would not recognise as crimes. They were accused of committing adultery, or wanting to marry a man of their choice against the wishes of their family, or had fled an oppressive domestic situation. In that prison, I met a sixteen-year-old girl called Jamila. She came from Kunduz in the north of the country. She told me that about one year ago she had been forcibly abducted by a man related to the local warlord. Her abductor wanted to marry Jamila but she refused. Nevertheless he forced her to go through a marriage ceremony, kept her captive in his house, abused and raped her. She eventually managed to flee but was caught by the police and brought to this prison. Jamila told me that she wanted to return home to her family but she was afraid that her father would kill her for destroying his family's honour. Her fear was not unfounded. Earlier that year where President Karzai had granted amnesty and released a group of women, several of them disappeared almost immediately after their release, probably murdered by their families.

The following day I met President Karzai in his heavily guarded palace. From the highly sophisticated security scanning equipment to the presence of heavy armaments and U.S. troops, the pervasive feeling was of fear. The President brushed aside my concerns about violence against women and girls in Afghanistan. He told me I did not understand the protection that women in his society enjoy and then went on to talk about terrorism and the Taliban.

That evening at the British Ambassador's residence in Kabul, diplomats spoke at great length to me about the military strategy in Afghanistan and what their governments were doing to make the world secure. I tried to talk about Jamila but no one wanted to hear it.

## II. FEAR AND FAILED LEADERSHIP

What I saw in Kabul in 2003 is a microcosm of what I see is happening across our world today; a world where the interests of the powerful and the privileged prevail over those of the poor and the marginalised, and security trumps human rights.

The 'War on Terror' dominates the world agenda. The sexual terror that millions of girls and women suffer in the bedroom, in the battlefield, in the streets and in workplaces, is ignored. It is just one example of the way in which a new agenda is being developed to provide greater security for the few at the expense of insecurity for many more. This agenda is driven by fear: fear of 'the other', fear of being blown up by the terrorists, fear of 'rogue states', and fear of weapons of mass destruction.

Fear is the antithesis of empathy. It destroys our shared understanding and our shared humanity by converting 'the other' into a threat. For most people, fear severely restricts the ability to reason and to critically challenge those who lead us. History is replete with examples of how easily political leaders have fomented fear to short-circuit debate on critical issues that they want to push through, or to divert attention from other pressing issues that they want to ignore. Playing on people's fears allows the political leaders to consolidate their power, to create false certainties and to escape accountability. Exploiting the fear of losing jobs, for example, leaders can whip up anti-immigrant feelings.

Today, the rise of racism and xenophobia growing Islamophobia on the one hand and anti-Semitism on the other increasing anti-Western sentiment in many parts of the world, the attacks on women's rights activists and human rights defenders are all, in one way or another, products of fear-mongering.

In my introduction to Amnesty International's 2007 report I focussed on the politics of fear, drawing attention to examples from around the world, including both autocratic and democratic governments. Robert Mugabe in Zimbabwe played on racial fears to justify his grab of land from white farmers. President Bashir of Sudan whipped up fear among his allies of an Iraq-style invasion of Sudan in order to stall the deployment of UN peace-keeping troops in Darfur. President Putin in Russia has consolidated his popular support by playing on people's xenophobia. Former Prime Minister Howard of Australia played up the fear of a mass influx of refugees in order to win elections in 2001. In *The Assault on Reason*, Al Gore analyses the way in which the US administration has used fear to drive and distort the political agenda.

In my view, the biggest threats today to human rights and the rule of law are fear and failed leadership. It is in the sphere of terrorism and counter-terrorism we see the worst, most explicit manifestations of fear and the most harmful leadership failures.

### III. LANGUAGE OF WAR

Terrorist violence is not a new phenomenon. Armed groups have always used spectacular means to instil fear and draw attention to their cause. Anarchist violence in the late nineteenth century and early twentieth century led to political assassinations, including the assassination of Presi-

dent William McKinley here in Buffalo in 1901 and a car bomb attack in Wall Street in 1920.<sup>1</sup>

There are some clear and interesting similarities in how governments reacted then, and what is happening now. President Theodore Roosevelt called anarchism “a crime against the whole human race, and all mankind should band against the anarchist.” The United States, the United Kingdom and Russia at that time radically transformed their police forces. All three countries created special police forces that were not required to wear uniforms and had sweeping powers to spy on, detain and interrogate civilians. Immigration control was tightened and people were subject to racial profiling. In Russia, the security forces encouraged pogroms against the Russian Jewish community, leading to the death and forced displacement of thousands of people.

United States Attorney General A. Mitchell Palmer believed that the aliens were the source of anarchist agitation. Following a bomb blast outside his own house he created the Radical Division of the Justice Department which launched massive raids arresting more than ten thousand people, some for membership of Communist or left-wing groups, others on no greater pretext than that they looked or sounded foreign. They were jailed and interrogated, with hundreds of people subsequently deported. The past lives on in our fears today.

#### IV. WAR ON TERROR

States have a right, and indeed a duty, to protect their citizens from terrorist attacks. Terrorism is among the gravest of human rights abuses. Amnesty International described the events of 9/11 as a crime against humanity. When murder is “committed as part of a widespread or systematic attack directed against any civilian population”, it is a crime against humanity according to the Rome Statute of the International Criminal Court. The United States Administration could have treated these incidents as international crimes and could have garnered international support to pursue justice for the victims through arrest and prosecution.

Instead, the US administration took a different path. They chose regime change in Afghanistan and later in Iraq. They launched a global ‘War on Terror’. Using the language of ‘war’ the US Administration sought to deny the applicability of human rights or civil liberties to these issues.

---

<sup>1</sup> In deadly sequence, anarchists claimed the lives of President Sadi Carnot of France (1894), Antonio Cánovas del Castillo, the prime minister of Spain (1897), Empress Elizabeth of Austria (1898), King Umberto of Italy (1900), President William McKinley of the United States (1901) and José Canalejas y Méndez, another Spanish prime minister (1912).

Speaking of 'terror', it has chosen to apply international humanitarian law selectively. Combining the two, the Administration claims its own actions fall outside the realm of international accountability and domestic judicial scrutiny.

This is totally inconsistent with the international human rights framework which is based on the premise that there can be no lacuna in the law that leaves individuals unprotected and governments unaccountable.

Contrary to the fundamental tenets of international human rights law, the United States Administration has detained people without charge or trial, designated its own citizens as enemy combatants, and condoned torture and custodial death by its own officials or allies. It has handed over prisoners and suspects to countries where they are at risk of torture and ill-treatment. It has condemned hundreds of prisoners, including minors, to indefinite incarceration in Guantanamo.

The Administration has taken the position that international human rights law does not apply to its practices in the context of the 'War on Terror' because it is a conflict. This is in sharp contrast to international legal opinion. In an advisory opinion in 1996 the International Court of Justice clearly stated that: "The protection of the International Covenant on Civil and Political Rights does not cease in times of war except by operation of Article 4 of the Covenant, whereby certain provision may be derogated from in times of national emergency."<sup>2</sup> The United States has made no such derogation and even if it had, there are a number of fundamental human rights from which it is not possible to derogate, including the prohibition on torture and cruel and degrading treatment.

The Administration has also taken the position that it will apply only parts of international humanitarian law. For instance, in a memorandum dated 7th February 2002, President Bush stated that Common Article 3 would not apply to Al Qaeda and Taliban detainees in U.S. custody. Common Article 3 reflects customary international law applicable in all types and situations of armed conflicts. It requires fair trials and prohibits torture and outrages upon personal dignity, in particular humiliating and degrading treatment. The International Court of Justice has described Common Article 3 as a minimum yardstick, reflecting "elementary considerations of humanity"<sup>3</sup>.

On the 29th June 2006, the U.S. Supreme Court found, in the case of *Hamdan v Rumsfeld* - a Yemeni national taken into U.S. custody in Af-

---

<sup>2</sup> Legality of the Threat of Use of Nuclear Weapons, Advisory Opinion, I.C.J. Reports 1996 p. 226 (July 8).

<sup>3</sup> Military and Paramilitary Activities (Nicar. vs. U.S.), I.C.J. 1986 Reports, p. 218 (June 27).

ghanistan in November 2001, transferred to the U.S. Naval Base in Guantanamo Bay and accused of being linked to Al Qaeda - that Common Article 3 did apply to such detainees. Two weeks later, in a hearing before the Senate Armed Services Committee, six army officers agreed that some of the interrogation techniques that the United States was using with regard to these detainees actually violated Article 3. Although any violation of Article 3 would normally be a war crime under the U.S. War Crimes Act, no prosecution was brought in relation to those cases. Instead, in September, President Bush brought in draft legislation and in a pre-election frenzy, Congress rushed through the Military Commissions Act, which the New York Times described as “a tyrannical piece of legislation that will be ranked with the low points in American democracy”. The provisions of this Act, including trials by the military commission that violates due process standards and the stripping of habeas corpus for ‘enemy combatants’, are fundamentally incompatible with international law. The Military Commissions Act actually amends the War Crimes Act by defining Common Article 3 restrictively and by stating that no foreign or international source of law can be used to interpret the violations listed. The net result is that what was once a war crime under U.S. law is no longer so.

So not only have international standards been undermined, US standards also have been lowered.

The United States ratified all four Geneva Conventions in 1955 without any reservations on Common Article 3. The selective, restrictive interpretation of Common Article 3 in the Military Commissions Act and the blanket denial of Prisoner Of War status to these individuals in effect sets a reservation to the Geneva Conventions. This is extremely damaging, particularly as the Geneva Conventions have been ratified by all 194 countries in the world and are the first set of treaties to have achieved universal acceptance.

#### V. SECRET DETENTIONS

On 7th February 2002, President Bush signed a memorandum in which he called for “new thinking” in the ‘War on Terror’. Unfortunately, what has emerged since then has been a lot of old-fashioned human rights abuses under new labels. Secret detention centres are called ‘CIA black sites’, ‘ghost detainees’ are a new term for enforced disappearances, ‘stress and duress’ is another term for torture and cruel, inhumane and degrading treatment, ‘coercive interrogation techniques’ include water boarding, a form of torture banned by international law.

In September 2006 President Bush openly admitted what Amnesty International had long suspected: that the CIA was holding people in secret detention centres around the world. In effect he was admitting to having

authorised enforced disappearances, a crime under international criminal law since the judgement of the Nuremberg trials in 1946.

No-one knows how many people have been or are being held under the secret detention, interrogation and rendition programme. In July 2007, the President signed an executive order authorising the CIA to continue this secret detention and in doing so put the United States squarely on the wrong side of its international obligations. The UN Human Rights Committee and the UN Committee against Torture (the treaty bodies monitoring the ICCPR and the CAT) have both called on the U.S. to abolish all secret detention and to publicly condemn the practice. The CIA's secret detention centres were illegal when they were created and they remain illegal today under international law. Neither the Military Commissions Act nor the President's Executive Order can legalise that which violates international law. Ironically, the U.S. State Department's Human Rights report criticizes the use of secret detention in other countries such as China.

## VI. TORTURE

In this environment of impunity and disregard of international law, the peremptory norm banning torture and cruel, inhumane and degrading treatment has also come under pressure and been watered down in various ways. The United States Administration has tried to redefine torture, for example by claiming that some acts such as water boarding do not amount to torture; although other jurisdictions, tribunals, and courts, including various UN Treaty Bodies, have held water boarding to be torture. It has tried to differentiate between torture on the one hand and cruel and inhumane and degrading treatment on the other; although under international law both have the same standing as far as prohibition is concerned. It has limited the Detainee Treatment Act that was adopted in December 2005 (the McCain amendment), only to the armed forces and not the CIA. Under the Executive Order, the CIA can undertake what are called 'extraordinary interrogation' techniques, including water boarding if it believes that a detainee has intelligence to offer. In effect, it is saying, "If you think the intelligence is going to be worthwhile, then do it."

Yet, torture and cruel and inhumane and degrading treatment are notoriously poor means of intelligence gathering, according to Amnesty International's research going back thirty-five years. When people are in pain they will say anything to stop the pain. Even the CIA's own reports show that the information retrieved from these 'high value detainees' becomes unreliable because responses cease to make any sense.

'Extraordinary rendition' is another practice where torture and inhumane treatment are being promoted. Suspects are kidnapped by or at the instigation of the CIA, transferred from one country to another in a legal

limbo, then handed over to regimes that practice torture. People in this kind of shadowy, sometimes non-existent criminal justice system risk enforced disappearance as well as torture and ill-treatment. No one knows who they are, where they are, or who is holding them. Lawyers cannot challenge their detention or petition for their release and so judicial supervision or fair trial is impossible. Amnesty International has documented a number of these cases, interviewing people in places as far apart as Yemen, Egypt, Afghanistan and Canada. Maher Arar, a Canadian citizen, is a computer consultant who was intercepted in the United States by U.S. officials and sent to Syria where he was interrogated and tortured before being allowed to return to Canada. The Canadian government investigated his case and paid out a hefty compensation for being implicated in the rendition. Despite his vindication, Maher was not allowed to travel to the United States to give evidence to a Congressional hearing on renditions; recently he gave his testimony through videoconferencing.

Amnesty International and others have exposed the way in which a number of European countries have been partners in crime of the U.S. on extraordinary renditions. Our reports have now been confirmed by investigations carried out by the Council of Europe and the European Parliament. There is increasing pressure in Europe for governments to investigate what happened.

Despite the mounting evidence of torture, ill-treatment and even some custodial deaths in Iraq and Afghanistan, not one single CIA personnel has been prosecuted. Prosecutors in Italy and Germany are seeking the extradition of twenty-eight CIA agents and operatives for their involvement in kidnapping and torture in two cases: the rendition of a Muslim cleric from Italy to Egypt, and the kidnapping of a German citizen in Macedonia, who was flown to Afghanistan where he was tortured, before being returned to Germany. The two governments are yet to make a formal request for extradition but already the U.S. officials have stated that they would refuse extradition.

## VII. RULE OF LAW

If indeed this is a 'War on Terror', then the main casualty has been the rule of law. The first President Bush said in September 1990 following the Iraqi invasion of Kuwait, that a new world was emerging: "a world where the rule of law supplants the rule of the jungle. A world in which nations recognise the shared responsibility for freedom and justice. A world where the strong respect the rights of the weak. . . America and the world must support the rule of law." The rule of law does not permit unfettered discretion of the executive. That has been the repeated message coming out of the U.S. Supreme Court in the cases of *Hamdi*, *Hamdan* and *Rasul*. In a

democratic society, the judiciary and legislature ensure that the executive takes a balanced and lawful approach to complex issues of national interest. Counter-terrorism measures must be subject to judicial review and Congressional debate.

Thomas Paine famously stated, “that in America the law is king. For as in absolute governments the King is law, so in free countries the law ought to be king; there ought not to be another.” Yet the rule of law is not just about any law. Nazi Germany had lots of laws, as did apartheid South Africa. That surely is not the concept of ‘rule of law’ in the twenty-first century. The preamble to the Universal Declaration of Human Rights says, “If man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression. . . human rights should be protected by the rule of law.”

Adequate protection of human rights is a fundamental principle of the rule of law. The US Administration’s disregard for human rights and international law has gravely undermined its commitment to the rule of law.

Terrorism must be confronted, but confronted in a manner that respects human rights and the rule of law. The system of human rights does make provision for it, for international human rights law was designed, not by human rights groups, but by governments who were very conscious of the practical issues they would confront. Article 4 of the ICCPR allows a State in exceptional situations to take emergency measures, provided they are limited to the extent strictly required by the exigencies of the situation, are not inconsistent with the State’s other international obligations, and do not discriminate on specified grounds. There are rights which cannot under any circumstances ever be derogated regardless of the nature of the emergency. Freedom from torture and other forms of ill-treatment, extra-judicial killings, and enforced disappearances fall into that category.

#### VIII. OTHER IMPACT

U.S. Supreme Court Judge Brennan said in 1987, “After each perceived security crisis ended, the US remorsefully realised that the abrogation of civil liberties was unnecessary. But it has proven unable to prevent itself from repeating the error when the next crisis came along.” We are seeing here, again, the failure to learn the lessons from history.

Let us hope that the United States will embrace change because if rule of law has been the casualty of ‘War on Terror’, collateral damage has been done to the moral authority of the U.S. and its influence and standing in the world on human rights. For instance, in its human rights reports the State Department frequently criticises other governments like China, Uzbekistan and Iran, for the practice of torture, arbitrary and secret detention or unfair trial. What effect can such statements have on these countries,

given the U.S. record? What impact can the United States hope to have on Cuba if at another end of the same island, the U.S. Administration is itself conducting the same practice of unfair trials of which it accuses the Castro regime? The U.S. cannot effectively champion human rights if it is unwilling to put its own house in order first.

Take the example of Darfur. To its credit, the U.S. Administration has taken a strong stance on human rights abuses in Darfur, and pushed for the deployment of international peace keepers to protect civilians, but it has struggled to gain enough support to pressure Sudan.

For the U.S. to be able to restore its moral authority it must show through some clear indicators its adherence to the rule of law (rather than the politics of fear). These include: the closure of Guantanamo; the release or trial of those detained there in U.S. courts; the end of secret detention by the CIA; and the end of impunity for torture and ill-treatment. It would give credibility to the U.S. as a human rights champion and reduce the anti-U.S. sentiment that we see in many parts of the world. The message that the U.S. sends is a very powerful message to the rest of the world.

#### IX. GLOBAL RESPONSES TO GLOBAL PROBLEMS

The struggle against terrorism is not a military struggle. It is a struggle about ideas, about winning the hearts and minds of the people. That is why it is very important that human rights are not sacrificed in the name of counter-terrorism. Global values and standards help to create a sense of solidarity, can help counter trans-national violence, and help to create stability within and across societies.

Kofi Annan, the former UN Secretary General, said, "Terrorism is a direct attack on human rights and the rule of law. If we sacrifice them in our response we will be handing victory to the terrorists."

This backlash against human rights in the name of security is actually creating greater insecurity in many parts of the world. When global values of human rights are swept aside with impunity, parochial interests raise their heads, often driven by sectarian ethnic and religious groups which sometimes turn to violence. Although their practices are often contrary to human rights, in a number of countries these groups are gaining support as more people turn to those who appear to be championing the injustices that their own governments are instigating and that the international community is ignoring.

To come back to Afghanistan, the government and the international community have squandered the opportunity to build an effective, functioning state based on human rights and the rule of law in that country. Rampant insecurity, impunity and corrupt and ineffective government institutions combined with high unemployment and poverty, have sapped

public confidence while thousands of civilian deaths resulting from U.S-led military operations have fuelled resentment, effectively generating space for the Taliban to come back. The Taliban has capitalised on the political, economic and security vacuum to gain control over large parts of the south and east of the country.

A misguided military adventure in Iraq, as we are all well aware, has taken a heavy toll on human rights and humanitarian law, leaving the population embittered, armed groups empowered and the world a much less secure place. The insurgency has morphed into brutal and bloody sectarian conflict, while the government has shown little commitment to protect the human rights of all Iraqis. The Iraqi police force, heavily infiltrated by sectarian militia, are feeding violations rather than restraining them. The Iraqi justice system is woefully inadequate, as former President Saddam Hussein's flawed trial and grotesque execution confirmed.

In the Palestinian Occupied Territories, the cumulative impact of measures by the Israeli authorities, including increasingly severe restrictions on freedom of movement, expansion of settlements and building the wall inside the West Bank, has strangled the local economy. Ordinary Palestinians are caught between inter-factional fighting between Hamas, and Fatah and reckless shelling by the Israeli army. A predominantly young Palestinian population has is being radicalised. There will be no hope for peace in the Middle East if impunity is not addressed and the human rights and security of people are not prioritised.

Some commentators draw a nightmare scenario of unstable states from the Hindu Kush the borders of Pakistan to the horn of Africa. Others predict a revival of a Cold War mindset, a 'them and us' approach in which powerful states seek to fight their enemies through proxy wars in someone else's backyard. The prognosis for human rights is dire.

## X. LOOKING AHEAD

We must resist being sucked into the fear syndrome. There is another way forward, an approach based on sustainability rather than security. The term sustainability may be more familiar to those who are working in development, economics, and the environment, but it is crucial too for human rights. A sustainable strategy promotes hope, justice, and democracy, while a security strategy addresses fears and dangers. Just as with energy security, human security is best provided through sustainable strategies of development pursued through institutions that promote respect for human rights.

In an interdependent world, global challenges, whether of poverty or security, migration or marginalisation, demand responses based on global values of human rights that bring people together and promote our collec-

tive well-being. Sustainability means rejecting the Cold War tradition of a Super Power sponsoring its own pool of dictatorships and abusive regimes. It means promoting principled leadership and enlightened policies.

Fear is a national, human phenomenon and good leadership manages, rather than manipulates, fear. This is what I think is the biggest challenge facing us right now. I would also say a sustainable approach to human rights requires strengthening the rule of law, nationally and internationally. Not just any rule of law but rule of law based on human rights. Elections have drawn a lot of international attention, from Bolivia to Bangladesh, Chile to Liberia. But as we have seen in Iraq, the Democratic Republic of Congo and in other countries, creating the conditions in which people can cast their ballots is not enough. The bigger challenge is to promote good governance and the rule of law based on human rights, a free press and a vibrant civil society. That is what makes democracy actually work.

A properly functioning system of rule of law at the national level is the ultimate safeguard of human rights. But, if it is to be a just system, it must embrace those on the margins of society. I speak in particular of women and the poor.

The majority of the poor today live outside the protection of the law and to include them in a meaningful way requires giving effect to economic and social rights in public policy and programmes.

In too many countries women continue to be denied equality before the law. Equal access of women to all human rights is a precondition, not only for sustaining all human rights, but also for economic prosperity and social stability.

Sustainability requires revitalising the U.N. and its human rights machinery. When the U.N. fails, the authority of its powerful member states is also eroded. The U.S. must discard the 'pick and choose' approach to the U.N. and recognise the value of multilateralism as a crucial means of promoting greater stability, security and respect for human rights.

Finally, I would say that a sustainable human rights strategy is the best way to nurture hope. We must not fall prey to despair, any more than give way to fear. There are signs of hope. For instance, on international justice there have been remarkable advances since 2002. In 2006, Nigeria handed over Charles Taylor to the Special Court for Sierra Leone to be tried for war crimes and crimes against humanity. We see the International Criminal Court now active in the Democratic Republic of Congo, where prosecutions have begun against a war lord for the recruitment of child soldiers. Next on the Court's list, are perpetrators of the atrocities in Darfur. It is interesting to note that the International Criminal Court has been pressing armed groups for accountability and not just government actors, setting an

important precedent at a time when armed groups are flexing their muscles with brutal consequences for human rights.

I would say that the biggest sign of hope comes from civil society. A massive campaign by civil society organisations last year culminated in the collection of one million signatures and moved the UN General Assembly to adopt a resolution to start work on an Arms Trade Treaty, which will regulate the proliferation of small arms and conventional weapons. Small arms are the real weapons of mass destruction, killing about 365,000 people every year. There is a very strong lobby of manufacturers and others resisting the Arms Trade Treaty, including in the U.S. The willingness of governments to bring the small arms trade under control is an important step towards achieving freedom from fear.

Marches, petitions, virals, blogs, armbands and t-shirts may not seem much by themselves, but by bringing people together they unleash an energy for change that should not be underestimated. People power will change the face of human rights in the twenty-first century.

What is really exciting is the way social capital and social networks are being built on the issue of human rights, not only nationally but internationally. Michael Ignatieff has said that “human rights have gone global by going local”. There are thousands of human rights organisations around the world; the values of human rights resonate in the hearts and minds of millions of people around the world. Human rights have also gone global by going local within us. The campaign for the abolition of the death penalty goes from strength to strength thanks to civil society with more than 100 countries now no longer executing, the U.S. is unfortunately still not in that number. Darfur has become a household word for international solidarity, thanks to the efforts of civil society. Gender justice has a long journey still to make but the campaign by Iranian human rights activist and Nobel Peace Prize winner, Shirin Abadi, for equality of women in Iran is a flame that will not die down until the battle has been won. This gives great strength to the human rights movement to become part of the larger picture of social movements and to push the tide in our favour, in favour of justice.

Some governments are fear-mongers, human rights activists are hope-mongers and we will prevail.

