



CHRI

COMMONWEALTH HUMAN RIGHTS INITIATIVE

Volume 20
No. 1, 2013

NEWSLETTER

IBSA: A Voice for Democratic Values from the Global South?



Brazil, South Africa and India are completing the tenth anniversary of the IBSA Dialogue Forum. Photograph by Praveen Gunaseelan, CHRI

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Commonwealth Legal Education Association

Commonwealth Parliamentary Association

Commonwealth Press Union

and

Commonwealth Broadcasting Association

These sponsoring organisations felt that while Commonwealth countries had both a common set of values and legal principles with which to work, they required a forum to promote human rights. It is from this idea that CHRI was born and continues to work.

Headquarters, New Delhi

B-117, Second Floor
Sarvodaya Enclave
New Delhi - 110 017
India
T: +91-11-43180200
F: +91-11-26864688
info@humanrightsinitiative.org

Africa, Accra

House No.9
Samora Machel Street Asylum Down
Opposite Beverly Hills Hotel
Near Trust Towers
Accra, Ghana
T/F: +233 302971170
chriafrika@humanrightsinitiative.org

United Kingdom, London

Institute of Commonwealth Studies
School of Advanced Study, University of London
2nd Floor, South Block, Senate House
Malet Street, London, WC1E 7HU
T: +44(0) 207 664 4860
F: +44(0) 207 862 8820
chri@sas.ac.uk

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Published by
Commonwealth Human Rights Initiative
Headquarters, New Delhi
B-117, Second Floor
Sarvodaya Enclave
New Delhi - 110 017
INDIA
T: +91-11-43180200
F: +91-11-26864688
info@humanrightsinitiative.org
www.humanrightsinitiative.org

Editors
Sanyu Awori
Kirsty Welch,
Vrinda Choraria
Strategic Initiatives Programme, CHRI

Designers
Gurnam Singh
Eve Platzer

Printed by
Print World

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IBSA: A Voice for Democratic Values from the Global South?

Maja Daruwala and Iniyan Illango, Commonwealth Human Rights Initiative



Brazil, South Africa and India are completing the tenth anniversary of the IBSA Dialogue Forum. Photograph by Praveen Gunaseelan, CHRI

This year marks a decade since the India Brazil South Africa Dialogue Forum (IBSA) was established. The Brasilia Declaration that founded the grouping, states that the three countries are “vibrant democracies”: the common strand that binds these countries from three different regions of the world. Ten years later, the need for strong Southern voices for human rights and democracy has become more critical but it remains to be seen whether IBSA

can effectively take on this mantle.

The celebratory meeting of the tenth anniversary of IBSA is to be held in New Delhi this year. The meeting has already been postponed twice – once from March to June and again from June to a date yet to be announced. According to observers it was postponed the first time owing to a possible clash with the Brazil, Russia, India, China and South Africa (BRICS) meeting that

concluded in South Africa earlier this year.

While this first postponement may be officially attributed to practical and procedural hurdles it has raised eyebrows among those who fear that IBSA may be subsumed within BRICS. IBSA predates BRICS and as an association of countries that espouse democratic values it is fundamentally different from BRICS. At the same time,

in economic terms, BRICS far outweighs IBSA. The current trend of giving primacy to economic development in international cooperation and its popularity in India, Brazil and South Africa has often been a cause for considerable worry in terms of IBSA and its status vis-à-vis BRICS.

Detractors of this argument say that IBSA and BRICS are two different beasts and that IBSA continues to be an important tool for political coordination among the three rising democracies of the Global South. Some of this could be evidenced in political positions taken by the three countries on conflict and human rights situations. The most prominent example is that of Syria which also saw a joint mission by IBSA. While IBSA maintained its position as a cohesive block, it has not been without differences. For instance, Brazil voted in favour of the resolution on “the deteriorating human rights situation in The Syrian Arab Republic” at the UN Human Rights Council, India abstained while South Africa lacked voting rights.

The IBSA Trust Fund is another example of coordination between the three countries on international situations that need assistance and aid. The Trust Fund has undertaken projects in several countries in South East Asia (Cambodia, Lao PDR, Vietnam, and Timor-Leste) and Africa (Guinea-Bissau, Cape Verde, Burundi and Sierra Leone) as well as in Haiti and Palestine. Its efforts have been viewed positively in international development forums,

with the Trust Fund receiving the Millennium Development Goals Award in 2010, for South-South Cooperation.

Observers further point out that such political coordination is not only limited to Syria and the Trust Fund, but is also present at important human rights venues such as the UN Human Rights Council. For instance it has been noted that at the recent vote on the Sri Lanka resolution at the Council there is evidence to state that India and Brazil may have coordinated their positions.

The magnitude of human rights issues that affect the Global South today however calls for a greater role to be played by the IBSA countries. Together they represent 20 per cent of the global population, 10 per cent of the global land mass, contribute 4 per cent of world GDP and 2 per cent of world trade. These factors have often been used by the three countries to argue for their inclusion as permanent members of the UN Security Council, a body they view as unbalanced both in its representation and coverage of global concerns. It is only by playing a greater role, based on shared values of democracy and respect for human right, reflective of the UN Charter, that the IBSA countries can strengthen their case for permanent membership at the Council.

In this context it is hoped that the tenth anniversary of IBSA, this year, will see a renewed and categorical emphasis on the grouping’s commitment to values such as human rights, which already

form the core of their association. When the IBSA countries meet, they must clearly spell out a plan of action to take these values ahead globally, including at bodies such as the UN Human Rights Council. They should also set up internal mechanisms such as forums and working groups to specifically address these values and include civil society from the three countries into such deliberations.

Beyond the three governments there is great potential for interaction between the peoples of these countries. This is recognised and emphasised in official IBSA documents that stress on people to people interaction. This however needs to be built on and there is a necessity for new formal platforms that regularly connect civil society from the three countries with the officials.

Without a renewed emphasis on basic values such as human rights and democracy that form the distinctive essence of the grouping, threats of IBSA being overshadowed by larger economic conglomerates such as BRICS will increase. IBSA should build on its unique strengths at its forthcoming meeting in Delhi. While the indefinite postponement of this meeting has caused some concern, it is hoped that the dates will be announced soon and that IBSA will begin a new decade which will see it grow beyond being an association of middle powers that take middle positions – leading to the true emergence of a South-based global leadership on democratic values and human rights. ■

Declarations All Right, Now Real Change

Vrinda Choraria, Commonwealth Human Rights Initiative



A wall in Delhi, India. Photograph by Kirsty Welch, CHRI

Since the inception of the India, Brazil and South Africa Dialogue Forum (IBSA) there has been a conspicuous accent on gender equality and empowerment of women in its communications. IBSA's founding document, the Brasilia Declaration of 2003, stressed the need to address "gender equality and mainstreaming a gender perspective in public policies". IBSA aimed to take this concern forward by establishing a Women's Forum that specialises in women and gender issues. This year, IBSA's Women's Forum held

its fifth meeting, which adopted a resolution that emphasised the Forum's recognition of the important partnership between government and civil society to achieve gender equality and women's empowerment. The Women's Forum is one of IBSA's seven people-to-people forums. It was formed at the 2007 IBSA Summit in South Africa in recognition of the fact that there were still challenges for women in terms of entering the mainstream economy and in recognition of the fundamental contribution of

women in the social, cultural and economic development of India, Brazil and South Africa.

The 2010 Summit produced a paper on Social Development Strategies, which, among other issues, elaborated on the steps taken by the three countries to alleviate women's conditions in their respective countries. In July 2008, the IBSA Women's Forum organised a seminar on "Macro Economics and Gender: A Feminist Approach", which concluded with the decision to produce a

publication, *Elaborating an Inclusive Macroeconomic Framework: A South-South Feminist Approach*. The book was launched at the 2010 IBSA Women's Forum. The year 2008 also saw the signing of a Memorandum of Understanding (MoU) on Womens Development and Gender Equality Programmes between the three governments. However, it is worth noting that there is no information available to the general public regarding the contents of the MoU, even five years after it was signed. This also holds true for the publication on macroeconomics despite the 2011 Women's Forum discussing a dissemination strategy for it. There seems little necessity for such secrecy; on the contrary, public awareness would help enormously in furthering the purpose of these documents.

Read closely, assertions made in statements at IBSA meetings can be linked to the three countries' national policies and practices. For instance, one recommendation from the 2011 IBSA Women's Forum was to route benefits of welfare and development schemes through women (as there is evidence that cash in the hands of women is always more likely to be spent on the welfare of the family), reflects Brazil's own experiment with the idea. Under Brazil's Bolsa Familia (Family Grant) programme, millions of the country's poorest people benefited since its inception in 2003. The payments are usually made to a leading female member of each family. Similarly, in April this year, India passed a law aimed at

preventing sexual harassment at the workplace, in line with the Women's Forum's recommendation that the three countries must elaborate public policies that are designed to promote equality of opportunity and treatment at the workplace. South Africa's "Stop Rape Campaign", it is hoped, will go a long way in gender sensitising, a recurring theme at IBSA.

Apart from its own statements, international instruments focused on women have also found constant support from IBSA. The IBSA Summit of 2008 called on the international community to reaffirm its commitment to advance the implementation of the Beijing Platform for Action which seeks to advance the goals of equality, development, and peace for all women. The Summit also called for the implementation of the outcome document - "Further Actions and Initiatives to Implement the Beijing Declaration and Platform for Action" adopted at the twenty-third Special Session of the UN General Assembly in 2000. In 2010, IBSA reaffirmed its support to implement the United Nations Security Council Resolution 1325 adopted in 2000, relating to women in situations of armed conflict and incorporation of gender perspectives in all United Nations peace and security efforts. IBSA also reiterated its commitment towards formulation and implementation of policies and programmes in accordance with the Convention on the Elimination of All Forms of Discrimination Against Women

(CEDAW). IBSA welcomed the adoption of the UN Global Plan of Action to Combat Trafficking in Persons in 2010 during its 2011 Summit.

A look at some statistics regarding IBSA's projects (funded by the IBSA Trust Fund) bolsters the belief that IBSA endeavours to translate its words into action. It has repeatedly committed itself to mainstreaming a gender perspective in all its policies and programmes. In practice, this has evolved into special attention on ensuring female participation at all levels of IBSA project implementation. In IBSA's project on rural electrification through solar energy systems in Guinea-Bissau, 120 people were trained on management of solar energy systems, of which 62 per cent were women. In Haiti, its project on collection of solid waste as a tool to reduce violence, boasts 57 per cent female participation, including 2 women on the project's community board. These are just some examples of positive female participation in IBSA projects.

IBSA's emphasis on gender issues is laudable. And, while it's true that action requires consensus and extensive planning, over its ten years of existence, IBSA has expressed well what it seeks with regard to gender empowerment. It must now cash in on the thrust and go beyond rhetoric by aiming to eliminate all kinds of violence and discrimination against women in a measurable and time-bound manner. ■

A Trilateral for all Seasons?

Jacob Verhagen, Commonwealth Human Rights Initiative



United Nation Human Rights Council. Photograph by Kirsty Welch

Robert Bolt's protagonist in *A Man for All Seasons* claims, "We speak of being anchored to our principles. But if the weather turns nasty you up with an anchor and let it down where there's less wind, and the fishing's better." Indeed, there often is a disparity between rhetoric and reality, between our objectives and our results.

Following the conclusion of the twenty-third session of the United Nations Human Rights Council (UNHRC) in June this year, an opportune moment arises to evaluate whether the ideal of a

coordination mechanism between three of the world's emerging powers: India, Brazil, and South Africa (IBSA) remains relevant. This unique grouping of emerging democracies was intended to enhance South-South cooperation, increase dialogue between the three countries and create a more inclusive international forum regarding development. Ten years on, do the actions of the IBSA States speak to their words?

At the recent June session of the UNHRC, IBSA voting patterns can be divided into two categories:

international development and country specific voting. IBSA members lacked consistency when responding to Council action directed against States in breach of international human rights norms. However, the trilateral did adopt a concerted stance on the right to development, an area where IBSA has sought to provide a new perspective to the international community.

Brazil and India both voted in favour of the Council's resolution on the effects of foreign debt on the

full enjoyment of all human rights (South Africa lacked voting rights in that session). This resolution stressed the importance of debt relief to developing countries, condemned the creation of vulture funds and stressed that developed States should not use the global financial crisis as an excuse to cut back aid to the developing world. The resolution was passed

IBSA's strongest position, however, was demonstrated when all members co-sponsored a resolution on access to medicine and South Africa raised issues of intellectual property law with the United Nations Special Rapporteur for Health. India supported South Africa's position and asserted that, "while providing sufficient opportunity for innovation and competition...

and shared priorities of Global South countries, is a matter of speculation. The Council's model for geographical representation is not present in all other UN bodies, particularly those with power to take binding action, such as the Security Council, which continues to be dominated by the powers of the Global North.

At the UNHRC, IBSA countries have consistently advocated for a more inclusive dialogue on development and human rights, and it does appear that this objective is being realised.

by majority but demonstrated a clear divide between the voting patterns of the Global North and South, with the IBSA bloc clearly identifying with the priorities of the Global South.

Similarly, on "Human Rights and International Solidarity", a resolution which emphasised the need for the international community to cooperate to achieve international development objectives, both voting IBSA members were in favour of the resolution which coincides with IBSA's objective of fostering a more inclusive dialogue on international development. All three States have consistently voted in favour of similar previous resolutions at both the UNHRC and its predecessor, the Commission on Human Rights.

States must ensure availability of essential medicines at affordable prices". This is in line with IBSA's Tshwane Declaration which stated that "universal access to healthcare and affordable medicines is an indispensable step to achieve the ambitious goals adopted by the international community". It was thus predictable that IBSA would develop such a strong position at the UNHRC, demonstrating that speech and substance can converge.

At the UNHRC, IBSA countries have consistently advocated for a more inclusive dialogue on development and human rights, and it does appear that this objective is being realised. Whether this can be attributed solely to IBSA engagement or whether it is as a result of a more equitable geographical distribution of seats

IBSA does not have a monopoly on Southern-based development enhancement. In fact, other Southern-based cooperation mechanisms, such as the BRICS association (Brazil, Russia, India, China and South Africa), have an advantage over IBSA in relation to the resources at their disposal for developmental initiatives: the BRICS countries have committed ten billion dollars each for the creation of the proposed BRICS bank, envisioned as a counter to WTO and IMF, whereas the IBSA States only invest one million dollars each annually in the IBSA Trust Fund for the alleviation of global poverty and hunger. Thus, while IBSA is a player in relation to the promotion of the international development discourse, and has formulated and maintained a consolidated stance, its tangible

contribution to alleviation of poverty is less apparent.

An area where IBSA principles and actions clearly diverge is in responding to mass human rights violations occurring in other States. The IBSA countries have, for example, condemned terrorism in their founding declaration and stressed “their willingness and capacity to take on major responsibilities in the maintenance of international peace and security”. However, IBSA did not implement an effective strategy to end the current crisis in the Syrian Arab Republic, a conflict which is rife with human rights violations, terrorism and cross-border violence.

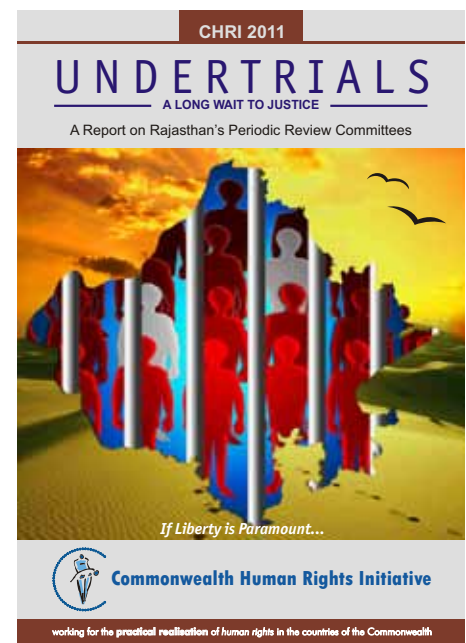
Unfortunately, this particular crisis highlights the need for IBSA to stipulate how exactly it will address state terrorism and threats to international peace and security. Frankly, looking beyond the official response, the IBSA nations are rarely united on UN resolutions on the Syrian crisis. At this session of the UNHRC, Brazil voted in favour of both resolutions on Syria, and made a statement specifically chastising the Syrian government. India abstained from voting, claiming that “the Council needs to reflect seriously on efficiency of adopting one-sided resolutions, which by their very nature make no meaningful impact at addressing the human rights situation on the ground”. This voting pattern was replicated in a vote on the human

rights situation in Belarus, further demonstrating IBSA’s divide on country-specific resolutions.

Such a lack of conformity may reflect the fact that IBSA has found itself in an uncomfortable dilemma between interventionist policies, and its traditional approach to respect States’ sovereignties. IBSA commitment to take on responsibilities for the maintenance of peace and security is illustrative of this dilemma. In Syria’s case, IBSA opted for action, sending a team of delegates to dialogue with the government and opposition in 2011. During this visit, President Assad admitted that his government had made “mistakes” telling the delegates that reforms, such as multi-party democracy, were on the way. Clearly, these claims are yet to be actualised. In response to this IBSA mission, Human Rights Watch claimed that IBSA “failed to offer a credible alternative path to end the bloodshed” as a result of their apparent passivity and inability to actually pressure the Syrian government into action. This has led to doubts over IBSA’s ability to influence States’ policies.

This session of the UNHRC amply demonstrated that while the IBSA countries have a clear direction in relation to development policy, they have yet to set an anchor for their principles on human rights crises. This lack of direction has implications for their aspiration to be global peace and security

players. Further, IBSA States need to be concerned by the fact that there is no indication that IBSA is a determining factor on whether or not resolutions are passed at the UNHRC. There is no evidence that the three countries would vote differently if they were not part of IBSA, bringing their relevance as a bloc into question. Indeed, this Council meeting may be an indicator that IBSA ought to further strengthen its resolve and presence rather than remaining just “a meeting of friends”. IBSA is in the unique position of being three energetic, upcoming economies, and well-established democracies, with the opportunity to occupy a moral high ground. The international sphere will benefit when their rhetoric becomes reality. ■



CHRI Activities: A Snapshot

Vidya Venkat and Melissa Hewitt

Access to Information Programme

The Access to Information (ATI) team launched a new “one-stop shop” for Right to Information in South Asia called the South Asia Right to Information Advocates Network (SARTIAN). The purpose of this network is to promote regular interaction and solidarity between RTI actors working in the region. To know more log on to sartian.org



Strategic Initiatives Programme

CHRI journeyed to Istanbul in June, to participate in a Global Convening to End Mass Atrocities. The Conference focused on emerging powers and atrocity prevention; drawing over a hundred experts from six continents to explore how emerging powers could prevent and address mass atrocities. CHRI formed part of a panel to discuss Indian foreign policy and human rights. Stop two in Istanbul was a conference on the Responsibility to Protect (R2P) doctrine. Participants shared experiences; discussed how to build support for the R2P doctrine; and strategised ways for R2P to be used for conflict prevention and to protect civilians.

Prison Reforms Programme

CHRI works towards prison reforms which focus on reducing pretrial detention through evidence building, advocacy, capacity building and strategic litigation. In April, in collaboration with partners, we organised a legal awareness camp at the Central Prison in Jodhpur, India. Through our two legal aid clinics in prisons, of Rajasthan (Swadhikaar) and West Bengal (Shadinota), over a hundred prisoners were referred to the District Legal Services Authority (DLSA) to provide them legal representation. A one-day meeting was also held in April with representatives from law colleges in West Bengal to replicate the legal aid clinic (Shadinota) model in other law colleges of West Bengal.

CHRI Establishes New Tanzania Coalition

In an effort to respond to complaints against the police in Tanzania, CHRI has established a criminal justice coalition, the Haki na Usalama Forum (The Justice and Security Forum). Members of the Forum have made important submissions to the Constitutional Review Commission, trained paralegals and made representations to visiting dignitaries regarding advocacy points to raise with the Tanzanian authorities during their time in the country. We wish the Forum continued future success.



Activities Galore at CHRI's Ghana Office

In April, the Access to Justice team participated in a two-day workshop organised by the Legal Aid Scheme. The workshop included civil society organisations and representatives from the Attorney-General's department and discussed the establishment of the Legal Aid Commission in Ghana. Owing to CHRI's experience, we were invited to participate and provide practical and workable ideas to help the Legal Aid Scheme meet the expectations of its citizens.



Police Reforms Programme

Network for Improved Policing in South Asia (NIPSA) is a CHRI-anchored regional network which works to promote and enhance the debate on police reforms throughout South Asia by way of collecting and sharing resources and collaborating on fortnightly updates and quarterly newsletters on policing issues which are sent to a listserv of 2,000 subscribers. In June 2013, NIPSA launched a new, resource-packed website. With easy navigation and a user friendly format, the website offers a wealth of information and resources on policing and on NIPSA activities. You can visit the website at <http://www.nipsa.in/>.



CHRI's London Office has a New Coordinator

The London office of CHRI has a new Coordination Officer, Malcolm Rodgers. Mr Rodgers studied social anthropology at the School of Oriental and African Studies, London, in 1983. He has extensive experience in the humanitarian field having previously campaigned against armed violence and on landmine issues. He is currently lobbying for various human rights related issues in the Commonwealth. We are delighted to have you on board, Malcolm!

Crafting a Role for IBSA on Mass Atrocity Prevention

Naomi Kikoler, Global Centre for the Responsibility to Protect



FSA rebels cleaning their AK47s in Aleppo, Syria during the civil war (19 October 2012). Photograph by Scott Bobb

Today, there is an urgent need to identify potential partners within the emerging powers to help advance efforts to prevent mass atrocities. This is rooted in the recognition, particularly post-Libya, that the States taking the lead on advancing “Never Again” and the corresponding political commitment to the Responsibility to Protect (R2P) can no longer be the usual suspects, notably Western States.

Preventing mass atrocities requires a multilateral effort that is

predicated on discussions between actors from both the Global North and the Global South to build and crucially maintain support for preventive and protective action. The IBSA States (India, Brazil and South Africa) can, and should, together serve as the interlocutors and instigators of dialogue between Southern and Northern States for moving this agenda forward, especially in regards to prioritising prevention.

Amongst the emerging powers, the IBSA States may be seen as credible

voices on issues that involve the intersection between human rights and sovereignty such as halting and averting mass atrocities. This is in part because of their status as large multi-ethnic democracies that have struggled to entrench human rights domestically and continue to adhere to traditional notions of sovereignty. Their commitment to multilateralism including United Nations (UN) peacekeeping, growing economic might and UN Security Council aspirations, are all factors that make these three States the most appealing voices

within the emerging powers on peace and security issues.

Many would like to see the IBSA States establish a role for themselves oriented towards crisis response; yet expectations in this regard should remain modest. These States are unlikely to abandon their affinity to traditional notions of sovereignty, respect for non-interference in the internal affairs of States or discomfort with the use of force to protect civilians. In practice, this means that they

as troop contributors (TCC) to peacekeeping missions will mean that they will be consulted on issues regarding peacekeeping, their TCC status is inadequate to engender sufficient influence in UN Security Council decision-making.

Similarly, there are questions about IBSA's ability to be a leader in preventive diplomacy during crisis situations, as can be seen with the unfolding mass atrocities. In August 2011, IBSA sent a delegation of deputy Foreign Ministers to

prevention of mass atrocities?

IBSA States should establish a strategy that reflects their own values. This includes an emphasis on serving as a bridge for dialogue, supporting UN peacekeeping and building States' capacities to protect their own populations through prioritising prevention.

(1) IBSA States should serve as a bridge for dialogue between Northern and Southern States on contentious issues:

What type of "voice" then should the IBSA States have on the prevention of mass atrocities? IBSA States should establish a strategy that reflects their own values.

will continue to resist employing the naming and shaming tactics favoured by Western States and the use of coercive measures; favouring instead, calls for quiet diplomacy, negotiation and mediation including when parties appear intransigent.

Furthermore, it may be fair to say that the IBSA States are ill-equipped today to play a central role in crisis response, particularly in situations involving the use of force. No longer on the UN Security Council they will be on the periphery of future UN Security Council decisions to authorise sanctions, arms embargoes or the use of force. While their position

Damascus to try to resolve the situation. Expectations for their trip from fellow UN Security Council members, including the P3 (France, United States and United Kingdom) were high. The visit resulted in no changes on the ground and IBSA's failure to follow up left many sceptical of its ability to lead in such situations. It also raised pertinent questions about the degree to which the IBSA countries have the leverage needed over State and non-State actors to dissuade them from perpetrating mass atrocities – especially outside their own regions.

What type of "voice" then should the IBSA States have on the

Brazil, largely absent from discussions on R2P for years, in the wake of the NATO intervention in Libya, introduced to the UN membership the concept of, Responsibility While Protecting (RwP). RwP called for greater transparency in the implementation of UN Security Council's use of force mandates. The Brazilian initiative, supported by India and South Africa, served as a bridge between Northern and Southern States to discuss concerns about the implementation of use of force mandates to protect civilians from mass atrocities. Taking a lead on difficult normative questions related to prevention

of mass atrocity is one possible role for IBSA States. Yet again, expectations must be modest. Though Brazil has failed to translate RwP into serious policy change and has apparently dropped it as a priority, its brief contribution did help Member States to move forward after Libya on the implementation of R2P.

(2) IBSA States should continue to commit troops to UN peacekeeping efforts and support protection of civilian mandates:

By continuing to support UN peacekeeping, the IBSA States will make a significant and tangible contribution to mass atrocity prevention. Increasingly, peacekeeping missions are mandated with explicit Chapter 7 “protection of civilians mandates” which allow peacekeepers to use force to save lives. All three IBSA States are troop contributors to UN peacekeeping. Brazil currently has 1,713 serving troops, South Africa has 2,080 and India has 7,878 troops. All three countries have suffered casualties in the course of their service and have shown remarkable resolve in their willingness to continue to commit troops. India has lost 154 peacekeepers, Brazil 40 and South Africa 34. Most recently a Brazilian general was appointed to a new UN intervention brigade in the Democratic Republic of the Congo. Brazil’s support of his

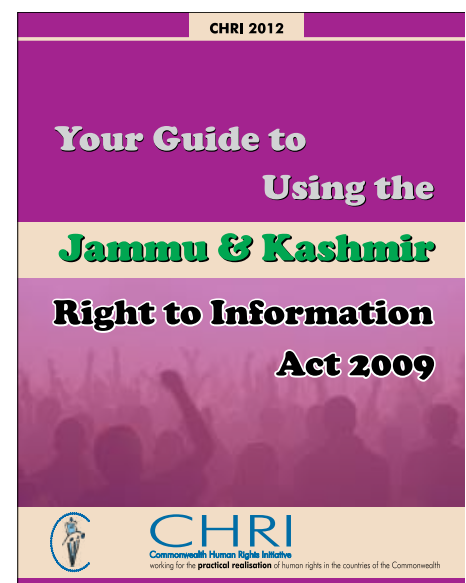
candidacy is an important sign of growing comfort with using force, albeit in a consensual setting, to save lives. Their belief in the importance of peacekeeping is something that unifies the IBSA States. They could also play an influential role in shaping normative discussions on the future of peacekeeping in addition to continuing to commit troops to future missions with protection of civilians as the mandate.

(3) IBSA states should prioritise and champion a prevention agenda:

One area where the IBSA States can make a contribution is the prevention of mass atrocities. While there is considerable rhetorical support from States for preventive efforts, there is little real action. Unless States begin to do so as part of the R2P agenda, R2P will continue to be mired with controversy. The IBSA States could play an important leadership role in calling for, and working with, States and regional actors to establish and strengthen the architecture for prevention that is critically needed to avert mass atrocities before they begin. This reflects their own values and is an area where they could have a competitive advantage. Each country can draw on its own lessons learned from its difficult processes of transition and efforts to address impunity and uphold

domestic human rights. They can share these experiences in an honest and frank manner with States at risk and offer assistance to help governments implement reforms and/or de-escalate crisis situations.

IBSA States will increasingly be asked and expected to play a greater role in mass atrocity prevention. While their tendency will be to seek a role in crisis response, IBSA’s contributions would be best oriented towards those areas where they could truly have a competitive advantage – especially when compared with Western States. This includes serving as a bridge for dialogue, supporting UN peacekeeping and building States’ capacities to protect their own population through prioritising prevention. ■



Commonwealth Human Rights Initiative and the “Rising Democracies”

Aditi Bhaduri, Commonwealth Human Rights Initiative



CHRI Director, Maja Daruwala, speaking at the three day seminar in December 2012 about the role of human rights in the IBSA Dialogue Forum. Photograph by CHRI

Foreign policy is a hallowed aspect of Indian polity and is outside the public's reach. It is an issue that is little debated by Indians; the preserve of a tiny elite. In this context, CHRI has taken the laudable initiative: to understand the moorings of India's foreign policy, the rationale that it is grounded in, the role of human rights in its formulation and pursuance and thus demystify it. To this end, one of CHRI's targets has been the India, Brazil, and South Africa Dialogue Forum (IBSA).

WHY IBSA?

Building on its work within the Commonwealth, CHRI worked on

the UN Human Rights Council from its inception in 2006. Based on its experience with these two intergovernmental bodies, it became apparent to CHRI that targeting multiple forums is important to achieve its human rights goals. Given that two of the Commonwealth's most powerful Southern countries, India and South Africa, are members of IBSA, CHRI decided to explore possibilities of working in this area.

Situated in the Global South, IBSA as a trilateral platform of democracies – all emerging economies, representing three important regions – offers

enormous potential to bring about positive development in international human rights practice. However, IBSA is yet to realise its full potential. Therein lies the scope for CHRI's intervention.

To that end, CHRI studied IBSA and aims to contribute to the growing body of research on IBSA with fresh perspectives and analysis. To hone its own understanding of the Forum and to share its research, CHRI organised two important set of events: a three-day seminar in December 2012, in Delhi titled - Rising Democracies of the Global South: Understanding IBSA Dialogue Forum, in which civil society representatives from India, Brazil and South Africa participated; and a series of media roundtables on IBSA: Rising Democracies in The Global South.

CAN CIVIL SOCIETY IMPACT FOREIGN POLICY?

The main thrust of the December seminar was to identify: the process of foreign policy formulation in each of the IBSA countries; where human rights figure in each country's foreign policy; and the possible spaces for influencing foreign policy in these countries. Civil society organisations (CSOs) from Brazil, South Africa and India participated. Several high-profile Indian diplomats were also invited

to share their thoughts and insights so as to give an “inner view” of the making of Indian foreign policy.

The main point of convergence that emerged from these interactions was that foreign policy was more than a summary of domestic policies projected outward and therefore emphasis was placed on the need to identify the externalities that influence it. It remained ambiguous whether civil society inputs are actually taken into consideration. Business lobbies, trade concerns, domestic power struggles, regional blocs and dynamics with neighbouring States, appeared to be the important factors that decide international stands of these three countries. The seminar indicated that the governments of the three IBSA countries are seemingly sceptical about the subject of human rights with a general trend of government censure of CSOs/individuals approaching international forums to discuss human rights issues. However, there was willingness to be open to dialogue on other issues that were seen as less controversial.

Nevertheless, while it was true that civil society cannot do much when realpolitik concerns come into play, there have been instances where CSO pressure seemed to have played a role, for example; Brazil’s stand on the Bahais in Iran; India’s vote on the Sri Lanka resolutions at the United Nations Human Rights Council

(UNHRC); and South Africa’s leadership on the resolution on Sexual Orientation and Gender Identity at the UNHRC in 2011. This definitely creates a space for civil society to take up causes such as democratic values and human rights at the IBSA forum. Further, Brazil’s introduction of the concept of Responsibility while Protecting (RwP) has been well received by both India and South Africa, and there remains the scope for CSOs to advocate for its further development.

A foreseeable point raised at the seminar was the relevance of IBSA vis-à-vis BRICS (the economic grouping of Brazil, Russia, India, China and South Africa). There was consensus that IBSA’s importance and significance lay in the fact that it was a platform for democracies. The December seminar was important in that it reaffirmed the need for the commitment of civil society to cooperate and use the democratic credentials of the three countries to raise human rights issues at international platforms.

TAKING IT TO THE MEDIA

In May 2013, CHRI organised two media roundtables on IBSA: Rising Democracies of the Global South. The importance of the media cannot be over emphasised and thus the roundtables sought to generate interest on IBSA, an important step for CHRI in keeping

with its ongoing engagement with the IBSA forum.

The immediate impression from the roundtables was that the media was not sufficiently engaged with the tripartite forum and there was an information deficit about IBSA. This is surprising considering that India has been actively trying to project itself as an emerging global power.

NO SUMMIT BUT NEVER MIND!

The media roundtables were held at the end of May because the IBSA summit was scheduled for 6 June 2013. A briefing to the media on its eve was considered to be a strategic decision. However, as it happened, the summit was indefinitely postponed at the last minute. Nevertheless, CHRI’s initiative revealed a major gap in the government’s media outreach on IBSA. CHRI can do much to facilitate plugging this gap if it continues with its engagement with foreign policy, and in particular, through the IBSA platform. Whether the IBSA summit takes place or not, CHRI has already initiated an important process in that it has prompted a discussion about IBSA beyond the government’s script or IBSA’s official forum. This discussion seeks to involve civil society, deepening the discourse about making the State and its decisions and policy making more transparent, responsible and accountable. ■

ON ITS TENTH ANNIVERSARY, DOES IBSA HAVE THE STRENGTH AND MATURITY TO TACKLE THE SYRIAN CRISIS?

Fernando Sciré and Laura Waisbich, Conectas Human Rights



Roadside mural along the Damascus/Aleppo highway representing the current president Bashar al Assad. Photograph by James Gordon

Ten years ago, India, Brazil and South Africa decided to create the IBSA Dialogue Forum. This joint venture had the symbolic effect of launching a Southern democratic voice in international affairs. Things have evolved since then. Today, the Forum has reached a level of maturity and the three countries have also individually gained the international reputation of “emerging powers”.

If in 2003, IBSA was a gamble, today Brazil considers the grouping more than just a bet. Brazilian Foreign Minister, Antonio Patriota, has, for instance, reaffirmed IBSA’s priorities in his inaugural speech in 2011 and has continuously done so, since then. Despite all the controversies surrounding a possible overshadowing of IBSA by BRICS (Brazil, Russia, India, China and South Africa), IBSA

continues to reaffirm its relevance in a changing world. As it does so, it faces the challenge of addressing the conflict in Syria.

Since March 2011, more than 100,000 people have been killed in Syria, according to the United Nations. Crimes against humanity, war crimes and gross and systematic human rights violations have become a sad routine in the country.

The situation on the ground is so dire that about 6.8 million people are in urgent need of humanitarian assistance, over 1.8 million have fled the country and the prospects for the future are even grimmer. By the end of the year, the number of refugees may reach 3.5 million. There is thus no time to lose in formulating a viable solution.

IBSA voluntarily took on responsibility for the situation in Syria when it dispatched a joint mission to Damascus in August 2011, during the initial stages of the crisis. However, this endeavour resulted merely in a weak declaration with no visible

important stakeholders. IBSA thus lost an important opportunity to autonomously create meaningful positive impact before the crisis spun out of control. Since then IBSA has not made any significant attempt to re-engage with the crisis. Tackling the Syrian crisis is not only a matter of international solidarity, or non-indifference as Brazilian diplomats like to put it; it is in the interests of IBSA countries. By contributing to a solution in Syria the IBSA countries can act outside their traditional sphere of influence. It is thus an opportunity to assert their global leadership both individually and collectively as a group. Moreover, it is a chance

voting on a resolution that condemned the human rights violations occurring in Syria, demanded an immediate end to violence and called upon all States to “exercise vigilance and restraint over the direct or indirect supply, sale or transfer to Syria of arms”. The document also mentioned the possibility of considering measures under Article 41 of the UN Charter (coercive measures that do not involve the use of force). In actuality, the abstention of the IBSA members made little impact on the voting as the Resolution was eventually vetoed by one of the permanent UNSC members.

... a chance to affirm a human rights-based leadership from the emerging powers. The new multi-polar order needs more than just rising and greedy powers; it needs responsible powers.

impact on the ground. Reluctant to condemning the Syrian government publicly, IBSA countries ended up as appearing complacent. The six paragraph declaration devotes four paragraphs to describing the meeting with President Assad and the arguments provided by him regarding the situation. The two remaining paragraphs contain the entirety of IBSA’s requests to Syria; none of which are bound by deadlines. To make matters worse, when the IBSA delegation met and shook hands with President Assad, it enabled the President to argue that he was cooperating with

to affirm a human rights-based leadership from the emerging powers. The new multi-polar order needs more than just rising and greedy powers; it needs responsible powers.

One of the main ambitions of the IBSA countries is to have a permanent seat on the UN Security Council (UNSC). Nonetheless, in 2011, when all three members of IBSA were on the UNSC as non-permanent members, their most memorable “action” regarding the Syrian crisis was to coordinate their position to abstain from

IBSA countries boasted about contributing to the approval of a UNSC Presidential Statement in August 2011 that called for an end to all violence but which had little impact on the situation in Syria. Be that as it may, at least they were successful in breaking the silence in a stalled council. Nonetheless, this was insufficient action, considering IBSA’s position and aspirations. It must go further to make a difference in the Syrian crisis.

At the General Assembly, only Brazil from the IBSA country

maintained a voting record in favour of resolutions on human rights in Syria, with the exception of one abstention in 2013 on a resolution that acknowledged an opposition Syrian group as the legitimate representative of the Syrian people. Conversely, India and South Africa have oscillated mainly between voting in favour and abstaining on these resolutions. This pattern was maintained at the UN Human Rights Council (UNHRC) by India, which abstained in several cases, while South Africa was not a member of the UNHRC at the relevant time. In terms of votes, Brazil has the most positive credentials on Syria. Therefore, the country could take the lead to propel a positive agenda within IBSA.

Brazil's consistency cannot be solely attributed to a desire to enhance IBSA as a global player in terms of international peace and security. Brazilian attitudes and action regarding the fate of Syria is undoubtedly additionally influenced by the fact that the country hosts a significant Arab Diaspora comprised mainly of twentieth-century migrants, notably from Lebanon and Syria. Moreover, in recent times the country has been sought as a safe haven for Syrian refugees. According to recent figures from the United Nations Refugee Agency (UNHCR) more than 200 Syrians have sought refuge in Brazil since the beginning of the crisis

in Syria. These facts indicate the weight of pressure on the Brazilian government to ensure that Syria is placed on IBSA's agenda.

As part of the BRICS grouping, IBSA must call for implementation of the 2013 BRICS Syrian resolution which called for all parties to "allow and facilitate immediate, safe, full and unimpeded access to humanitarian organizations". IBSA countries take pride in referring to themselves as a democratic, human rights oriented, multi-cultural and multi-racial grouping with common values; if these words are to be meaningful, IBSA must take the lead in groupings containing other elements when these values are at stake. Furthermore, these shared values and the commonality of demographics, place an obligation on IBSA to go beyond BRICS' requests when human rights and democracy are at stake.

In this sense, IBSA countries can coordinate better and be more proactive in multilateral initiatives to tackle the Syrian conflict. To this end, the countries could facilitate peace conferences, mediate at these multilateral peace conferences and ensure that all important stakeholders attend such conferences. This final point is in great demand presently: the Geneva II Conference has already been postponed twice in the last two months and at this rate may never take place.

At the same time, IBSA should use its good offices and influence not only to put more pressure on the Syrian government, but also to set clear objectives to be achieved within specific timeframes. Additionally, each country could also make a difference individually by donating more to humanitarian assistance. According to OCHA, the Office for the Coordination of Humanitarian Affairs of the UN, on 30 July, IBSA's donations to humanitarian assistance in Syria accounted for 0.017 per cent of the grand total. India donated \$300 000 but made a pledge of \$2.2 million. Brazil donated \$150 000 and pledged a further \$100 000. South Africa however has not donated anything. These figures are outrageous, considering that IBSA's consolidated GDP represented 6.25 per cent of world GDP in 2012.

IBSA has been in the spotlight; the world has been watching it closely and looking forward to seeing what it can offer. When it comes to Syria, IBSA has fallen short of all expectations. It is high time the group took a more proactive stance on Syria. Words alone do not turn emerging powers into world powers, nor do timid endeavors, which are not based solidly on values. ■

IBSA: A South African Perspective

Susan Wilding and Mandeep Tiwana, CIVICUS: World Alliance for Citizen Participation



Nelson Mandela Statue in London. Photograph by Shaun Ferguson

In 2014, South Africa's vibrant, diverse democracy will be twenty years old. This is thus an appropriate time to look at South Africa's post-Apartheid foreign policy and how the India, Brazil, South Africa Dialogue Forum (IBSA) fits into the broader developments of the last two decades.

The first democratic elections in 1994 set the stage to build a nation premised on the values of human dignity, equality and freedom. The South African Constitution, which enshrined the rights of the people, would be the heart and soul of the country's foreign policy. Officially, it remains so to this day. President Mandela envisioned a democracy that would, at its very core, respect the rights of its people and the people with which it came into contact. In addition, he promoted a trajectory towards economic growth through better economic relations with the community of nations which Apartheid South Africa had long since been excluded from, as a pariah state. Nelson Mandela also believed in a strong Southern African region, and went as far as to say that South Africa would resist the temptation to pursue its own interests at the cost of the region. South Africa's foreign policy became about equality between the Global North and South. It focused on the promotion of democracy, peace and participation in the United Nations, the African Union, the Southern African Development

Community and other multi-lateral forums committed to human rights and democratic values through their charters.

With its re-emergence on the world stage, South African missions abroad more than doubled in number. The country positioned itself as a bridge between the North and South, owing to its mix of First and Third World economic structures. Its geographical location, straddling the Atlantic and Indian oceans for trade, gave South Africa a unique ability to play this role.

Nelson Mandela's post-1994 foreign policy was largely influenced by then Deputy President Thabo Mbeki and therefore remained largely unchanged during his Presidency. Mbeki, however, sharply focused on the African continent and on creating peace and stability within the region. "African Solutions for African Problems" was his slogan for African Renaissance. Mbeki also underscored South Africa's role as a mediator of disputes, but sadly he failed to call out the Zimbabwean government for gross violations of human rights, unlike his predecessor who spoke out strongly against the execution of the Ogoni people's activist, Ken Saro-Wiwa by the Nigerian government which resulted in its suspension from the Commonwealth.

South Africa's foreign policy has weakened somewhat since the heady days of the new democracy. Sadly, despite official rhetoric, its current foreign policy goals and vision are

not as grandiose as they once were. However, the focus on human rights remains central to the official White Paper on foreign policy. South Africa is currently engaged in peacekeeping and stabilising missions in the Democratic Republic of Congo and in Darfur, Sudan where gross human rights violations and crimes against humanity have been committed. South Africa also remains committed to the democratic aspirations of the Sahrawi people that have been denied by Morocco.

South Africa's inclusion in the IBSA dialogue forum fits in well with the country's foreign policy objectives. IBSA countries share a common democratic vision derived from their struggles against colonialism, military dictatorship and minority rule. They also oppose the current domination of global governance structures by established military and economic powers and seek to democratise that space.

From a South African perspective, IBSA offers the country an opportunity to be in the company of like-minded countries who believe that democracy and development are mutually reinforcing and central to sustainable peace and stability. The three countries have vibrant and well-established civil societies which could serve as examples in their regions and beyond. IBSA has also afforded these three countries great economic opportunities through the ability to negotiate and discuss trade and investment in their respective growth-driving industries.

There are, of course, cases where IBSA has not fulfilled its potential. When the Arab Spring and people's struggles for democracy erupted in 2011, IBSA countries were slow to react. It was a missed opportunity for them to offer assistance; notably to assist the countries undergoing democratic transitions by sharing their own experiences with constitution-making and the establishment of democratic institutions.

In general, while there have been some successes through IBSA cooperation, there is still room for more. The potential exists for this partnership to work towards a more just international system; to contribute to development, peace and security and to be proponents for human rights in the new global order. This vision is in keeping with the foreign policy formulated by a newly-freed South Africa under Nelson Mandela's leadership; a vision which continues, in one way or another, to drive South Africa's foreign policy today. ■

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Interns and Stipendary Positions in Research and Advocacy

There are frequent opportunities at CHRI to work with us at our headquarters in Delhi, our Africa office in Accra, Ghana and liaison office in London.

- Students reading law or social sciences may intern with us at any of our three offices for short-term or long-term internships of up to a year.
- Graduates in law, social sciences or other relevant disciplines are welcomed on either a volunteer basis to intern with us for periods ranging from three months to a year, or may apply for a stipendiary position as programme assistants or researchers.
- Graduates with a minimum of two years work experience may apply for programme officer positions, if willing to commit for two years or more. Salaries are local and shared accommodation (at headquarters only) may be provided to candidates from abroad, if available.
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We are an independent, non-partisan, international non-governmental organisation, working for the practical realisation of human rights of ordinary people in the Commonwealth. CHRI promotes awareness of, and adherence to, the Harare Principles, the Universal Declaration of Human Rights and other internationally recognised human rights instruments and declarations made by Commonwealth Heads of Governments, as well as other instruments supporting human rights in the Commonwealth. CHRI believes that the promotion and

protection of human rights is the responsibility of governments, but that the active informed participation of civil society is also vital to ensuring rule of law and the realisation of human rights.

There are four programme areas at CHRI – Access to Justice, Access to Information, Human Rights Advocacy and Prison Reforms Programmes. As such, our present work focuses on police reforms, prison reforms and promoting access to information. We also overview the human rights situation in all fifty-four countries of the Commonwealth, looking especially at the situation of human rights defenders, compliance with international treaty obligations and monitoring the performance of Commonwealth members of the United Nations Human Rights Council.

CHRI's work is based on relevant legal knowledge, strong research and dissemination of information to both civil society and governments. Policy-level dialogue, capacity building of stakeholders and broad public education are standard activities.

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Please send your full postal address with PIN code and contact numbers to:

Commonwealth Human Rights Initiative

B-117, Second Floor, Sarvodaya Enclave

New Delhi - 110 017, INDIA

T: +91-11-43180200; F: +91-11-2686-4688

info@humanrightsinitiative.org