I. Human Rights and Ethical Globalization

II. The Challenge of Human Rights Protection in Africa

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I. HUMAN RIGHTS AND ETHICAL GLOBALIZATION

Ladies and Gentlemen,

It is a great pleasure to return to Stanford University and an honor to have been invited to deliver the 2003 Tanner Lectures on Human Values. I would like to thank President Hennessy for this challenging invitation and I look forward to the opportunity of meetings and dialogue with students, faculty, and the wider Stanford community over the next few days.

On my last visit to Stanford in 1999 to deliver the Wesson Lecture, I spoke about the need to embrace the broad human rights agenda of civil, political, economic, social, and cultural rights. I stressed the importance that civil society should hold governments to the human rights commitments they had freely entered into, and I challenged the academic community, the private sector, and individuals to reflect on what actions each could take to improve respect for human rights at home and abroad.

On this occasion my intention is to consider how, by using the language and tools of international human rights, we can shape a more ethical globalization.

I'm reminded, not for the first time, of a wonderful moment in W. B. Yeats's *Autobiographies* when he speaks of his political apprenticeship in Ireland. It was the time of Charles Stewart Parnell, of the start of the Gaelic League, of the beginnings of the Literary Movement. A conviction came over Yeats—so he tells us—that Ireland was, at that moment, "soft wax." That it was going to remain "soft wax" for some years to come. It's an image of hope and change and I put it before you today because it suggests the possibilities of identifying a historic moment, a moment when, despite all the difficulties, it seems that we can change things. When situations no longer seem fixed. When the unyielding, the durable, the intractable suddenly yields. We have a deeply troubled world, anxious about human security and possibly on the brink of a war with unpredictable consequences. For all the hardships and dangers of our particular political moment, there is that element of the pliable and possible about it—if we can change our minds and our hearts about

what needs to be done and our responsibility to do it. And what I want to talk about today is that shared responsibility.

In this context, I am particularly pleased that the frame for this visit is the subject of human values and that our host is Stanford's Ethics in Society Program. I am aware that the program brings together scholars from a range of fields to reflect with students and citizen activists on the political and moral challenges facing communities both locally and internationally. Your focus on addressing real world problems through teaching and research and your commitment to fostering in students a commitment to personal integrity and social justice are to be commended.

I speak to you this evening not as a philosopher or scholar of human values, but as someone who, as a former president of Ireland and United Nations High Commissioner for Human Rights, and now simply as a concerned citizen, has tried to contribute to a greater recognition of the values that we, as one human family, share.

That work hasn't always been easy, but I am convinced it is work that must continue and be strengthened in today's world. For although we are increasingly connected by global markets, transportation, and communication, we are increasingly divided between rich and poor, North and South, religious and secular, us and them.

For all the talk about the universal values that should guide efforts to address the most difficult global problems facing the world, from extreme poverty to HIV/AIDS, from environmental degradation to continuing conflict, there is still far too little commitment to acting on these values in practice. There is far too little sense that "we are all in this together." I believe this lack of attention to values such as gender sensitivity and ethical standards in national and international decision-making is at the heart of the controversies surrounding what is commonly—perhaps too commonly now—referred to as "globalization."

We all know that concerns about the impact of globalization continue to grow. Over 100,000 people gathered last month in Porto Alegre, Brazil, at the World Social Forum to express their concerns about the direction globalization has taken and to consider what should be done in response. For many, "globalization"—which I would define at its simplest level as the increasing integration of economic, political, and cultural activity across the world—has also come to mean greater vulnerability to unfamiliar and unpredictable forces that can bring on economic instability and social dislocation. For some, it has also come to

mean a certain view of the world, a certain set of attitudes, institutions, and way of living that threatens to consume all others.

What I would like to explore tonight is how a "values-led" or "ethical approach"—if it were more than rhetoric—might contribute both to addressing these concerns and to achieving the central goal identified by world leaders in the year 2000 in the United Nations Millennium Declaration, to ensure that globalization becomes a positive force for all the world's people.

For this to happen there will need to be a significant shift in our thinking about economic globalization. In a very readable book, with the provocative title *It Doesn't Have to Be Like This! A New Economy for South Africa and the World,* Margaret Legum points out that

> economics is about how people relate around resources and work. Essentially it is about the needs of people in relation to those things. If the system doesn't serve people, you can change it. Economics is not about the logic of a system: it is about people and how they are being served by whatever system we are using. The point needs making not because it is *easy* to design economics systems that meet the needs of people, but because discussion of economics in recent years has been bedeviled by the carefully fostered idea that what is happening now is *inevitable.*

She reminds us that John Stuart Mill and his successors described their work as "political economy" and that it is very much "part of our ethical system in the service of humanity."

So how do we take that starting point and build an understanding of how important it is to develop a real dialogue that acknowledges the benefits of market economics but also is mindful of its impact for good or ill on the people for whom the market was created? Economic globalization is rooted explicitly and exclusively in competition between people, corporations, communities, and countries. How do we shift at least part of the emphasis from competition to cooperation and networking?

There are indications that a more cooperative and integrated approach is emerging in a number of different contexts in which challenges posed by globalization are being addressed. The Millennium Declaration itself acknowledged the role to be played by the business sector and civil society as well as governments and international institutions. The World Summit on Sustainable Development in Johannesburg witnessed the emergence of two trends: the development of public/private partnerships to tackle specific problems, and links forged by a

range of different Non-Governmental Organizations (NGOs)—environmental activists, development experts, and human rights advocates—to use the environmental and human rights normative frameworks to further their objectives. At the World Economic Forum and the World Social Forum last month, there was a willingness to explore different ideas. At the WEF the emphasis was on building trust, and it was acknowledged that one of the ways forward must be to develop multi-stakeholder approaches to tackling poverty and inequality. At the WSF the focus was on devising strategies to achieve changes to the world order in favor of the human development that the participants were seeking.

James Wolfensohn summed it up in an article entitled "Global Economy: Choosing a Better World" by emphasizing that no one sector or institution can claim to have all the answers.

> Yet what I believe is promising is the evidence of a growing consensus among those of us working in international agencies, and leaders in government, business and civil society, that we can begin to solve these problems only if we forge a new development path linking economic growth to social and environmental responsibility. Without social equity, economic growth cannot be sustainable. Without enlarging the real opportunities available to all citizens, the market will work only for the elites. This means providing everyone with access to education, health care, decent work and—as the new Brazilian President Lula has pointed out—with at least three meals a day.
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> The events of 11 September, 2001, helped drive home the message to people everywhere that there are not two worlds—rich and poor. There is only one. We are linked by finance, trade, migration, communications, environment, communicable diseases, crime, drugs and certainly by terror.
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> Today, more and more people agree that poverty anywhere is poverty everywhere. Our collective demand is for a global system based on equity, human rights and social justice. Our collective quest for a more equal world is also the quest for long-term peace and security.

The Ethical Globalization Initiative, a new project that I am currently leading, with the support of the Aspen Institute, the State of the World Forum, and the Geneva-based International Council on Human Rights Policy, seeks to build on and reinforce these trends. Part of the strategy is to assemble an influential group of policy shapers on issues of

globalization and interest them in considering what additional value may flow from integrating a human rights and gender perspective into their diverse approaches. We will argue that the universality of the norms and standards as well as human rights concepts of participation, nondiscrimination, accountability, and empowerment are directly relevant to a more balanced and sustainable development.

In this post–9/11 world—a world that may be on the brink of a war against Iraq—another human value that has come to the fore is human security. But human security has different meanings, evokes different images and reference points, depending on actual human circumstances. Human insecurity was a daily reality before 9/11 for the millions who live in absolute poverty or in zones of conflict, and remains so. But now, worldwide, there is a greater shared sense of insecurity. There is also a greater sense of interconnectedness: what happens in one region has impacts in others, and no region or country is immune. We need to consider human security in a multifaceted way, which is why the forthcoming report of the Commission on Human Security, co-chaired by Amartya Sen and Sadako Ogata, is so timely.

I believe what is needed is more dialogue about values, such as human security. But those discussions require a common language of respect and solidarity. Equally important, that language must be able to carry the moral and legal force of the international community. It must be able to manage competing claims and embrace gender issues and the diversity of human experience. The language that I believe can meet these tests is that of the international human rights standards that have been developed over the past half century.

Our ability to be conversant in this language will require a shift in thinking to recognize people in need as individuals with rights, with valid claims, rather than objects of care, benevolence, and charity. It will also require a shift in the relative importance that governments, who have committed themselves to these standards, place on ensuring their implementation. Finally, such a shift in thinking will require agreement on some sharing of responsibilities for solving global problems among governments, international bodies, the business sector, and civil society.

To illustrate how such an approach can work in practice, I would first like to frame the broad issue of globalization and human rights as I see it, then consider three global challenges: the fight against HIV/AIDS; the growing controversies surrounding migration; and, as a lead-in to

my lecture tomorrow, the continuing shortcomings in good governance in the part of the world that to date has been most excluded from the potential benefits of globalization—Africa.

Globalization and Human Rights

I should say first that I don't assume that human rights provide the only language or tools available in addressing global challenges. There is a rich body of international norms in the fields of labor and environmental protection, to name only two, that are today given too little importance but that should also serve as part of the "rules of the road" for an equitable and sustainable globalization process at different levels.

I should also note that for all the negative reactions to globalization that are heard today, we should acknowledge the positive role that one of the key drivers of globalization—expanded global communications and technology—has played in fostering transnational networks of advocates, including women's networks, which have been so critical in spreading the human rights message and strengthening its legitimacy worldwide. From this perspective, globalization has been of enormous help in the cause of human rights and women's empowerment.

But other features of globalization have posed serious threats to the rights of people in many developing countries in particular. Power has shifted from the public to the private, from national governments to transnational corporations and international organizations. This has left a gap in accountability and transparency. What I hear from people in almost every country I visit is a growing concern about being powerless. People feel that they lack the means through which to participate in and shape the decisions that affect their communities and nations.

Clearly, primary responsibility for protecting human rights remains with national governments. (Indeed, in many cases, it continues to be failures of governance at the national level that result in the most serious rights violations. But there is increasing recognition that if fundamental rights are to be implemented it is essential to ensure that obligations fall where power is exercised, whether it is in the local village, in the corporate board room, or in the international meeting rooms of the World Trade Organization (WTO), the World Bank, or the International Monetary Fund (IMF). In other words, as power shifts upward

and downward as a result of globalization, responsibility for human rights protection must also follow in both directions.

This value of responsibility is undoubtedly one we all share. But questions about who we are responsible for, and the degree of responsibility to be assigned to different actors, international institutions, governments, business, and civil society, are far from being resolved.

Article 29(1) of the Universal Declaration of Human Rights reminds us that "everyone has duties to the community in which alone the free and full development of his personality is possible." The time has come to ask ourselves some simple yet profound questions: Who is the "community" in our globalized world? And what responsibilities do we have to each member of that community?

In an age in which we contemplate intervention from outside military forces to stop genocide and crimes against humanity, or to remove threats to international peace and security, shouldn't we also be defining our shared responsibility for ensuring that basic rights to food, safe water, education, shelter, and health care are met throughout the world?

Some contend that expanding responsibilities for human rights beyond national borders could divert attention from the failings of governments. But the argument is not over whether individual governments should be supported regardless of their behavior. The issue is the extent to which there is an international responsibility to help people who have been denied their fundamental rights and dignity and the larger consequences of not taking action.

HIV/AIDS and Human Rights

Nowhere is the need for responsible engagement more urgent than in the fight against AIDS. The United Nations program on AIDS has reported that there will be 5 million new HIV infections this year and more than 3 million AIDS-related deaths. Over 42 million people are now living with HIV/AIDS.

AIDS is, of course, one component of what is sometimes called the dark side of globalization. The countries where the impact of AIDS is deepest are also the countries that have not been among the "winners" of globalization. Steps to open markets have not led to faster economic growth, structural adjustment policies have weakened health systems,

skilled health staff have migrated to the job markets of Europe and North America, and tax cuts to create a favorable climate for overseas investment have cut government budgets on health and education. International rules to protect intellectual property and patent rights over new drugs have benefited producers in the developed world, but at the same time they have exacted a high price—in every sense—from the countries of the developing world, which cannot afford to pay the costs of the medicines they need. Fewer than 30,000 of the 30 million in Africa with HIV and HIV-related disease receive anti-retroviral therapy. As the dean of a U.S. medical school put it recently, "In the next five years, either 5 million or 30 million people will die; this will depend on access to drugs."

The scale of what we now face as a world community is truly beyond measure. Nor is it restricted (if such a word is appropriate in the context) to medical treatment. We in the developed world have not yet begun to understand the impact of these levels of ill health and high mortality on family life and human dignity, on social structures and institutions of governance such as education, housing, and justice, and on economic productivity. Throughout the last century, we assumed that, without war, life expectancy would continue to rise inexorably. In this new century, some African countries must face the fact that their citizens may expect to live only into their thirties and that average life expectancy is dropping by twenty or more years.

How can human rights help us to address the extent of our shared responsibility for this global catastrophe?

First, by understanding that rights violations contribute to the spread of AIDS. Where women are equal citizens who can exercise their reproductive rights and their right to public information and discussion on health matters, they are better able to protect themselves and their children against transmission of the virus. Too often the reverse is true. In many countries with high HIV prevalence, violations of women's rights are widespread, through discrimination and widespread sexual violence.

We know that those countries that have had most success in controlling the spread of AIDS have been those where governments have taken a human rights approach through encouraging public discussion and public education, freedom of expression and assembly, and taking steps to protect those who come forward for testing and treatment, or who are

suspected of carrying the virus, from being stigmatized and marginalized. In Brazil, Uganda, and Thailand—to take three examples—there are clear links between rights-based public policy and lowered infection rates.

Human rights provide a legal and ethical framework for addressing the social and development impact of HIV/AIDS, including systems of accountability for governments.

There are increasing examples of how human rights approaches, including targeted awareness-raising initiatives, legislative reform, and human rights activism, are helping tackle AIDS-related stigma and discrimination in countries across the world. For example: in India, local NGOs have successfully defended workers who have lost their jobs due to their HIV status. HIV-patient-friendly hospitals have been established in an effort to make hospitals more attuned to the needs of people with HIV/AIDS. In South Africa, courts have made landmark decisions on unfair dismissal of HIV-positive workers, discrimination against HIV-positive people in prisons, and access to HIV-related treatment and medication.

Much can be done at the local and national level to counter the effects of the disease. But I return again to the value of responsibility. The battle against AIDS won't be won without responsible actions by the international community.

The private sector has a critical role to play, and in particular the international pharmaceutical companies. In the last two years there has been progress, with some important steps by the drug companies, to make some medicines more widely available. But discussion is only now beginning on the fundamental question of how to ensure equitable access to life-saving drugs, including through a flexible interpretation of the rules of the Trade-Related Intellectual Property Rights (TRIPS) agreement to allow the low cost production of drugs in the South. I hope, through my new work, to engage the major pharmaceutical companies in addressing these issues from a human rights perspective.

President George Bush's decision to create an Emergency Plan for AIDS Relief is a welcome step. The plan will commit $15 billion over the next five years to the fight against AIDS in the most afflicted nations of Africa and the Caribbean. The president is right when he says that in an age of miraculous medicines, no person should have to hear the words: "You've got AIDS. We can't help you. Go home and die."

Migration and Human Rights

Another key challenge of globalization is the integration of human rights into national and international migration policies. Today around 175 million people are living outside their countries of birth. Perhaps 16 million are refugees. Some others have scarce technical skills that equip them for specialist employment, but huge numbers have left their countries because of famine, war, poverty, and economic hardship and because economic opportunities exist only outside their home countries. International migration is not a new experience—as most Americans, a country with so many immigrants, will confirm.

But in today's globalizing world, there is a new discordance between the market-led free movement of goods, capital, and services and the restrictive immigration policies of industrialized countries, particularly in Europe, that make much migration illegal and even criminal. Although the "push" and "pull" factors that determine international migration flows are increasingly influenced by global economic forces, the decision on who should enter a new country as a legal immigrant remains an exercise of national sovereignty. The United States has a long and generous history of immigration. Other parts of the industrialized world, and particularly Europe, have until recently been countries of emigration with little experience of accepting and integrating immigrants from other regions and cultures. But both are now faced with a global situation in which there is a sharp disjunction between the increasing number of individuals who wish to migrate and the diminishing legal opportunities for them to do so.

This has fueled irregular migration and facilitated the activities of those who exploit migrants, traffick women and girls, and smuggle migrants. It has also resulted in growing populations of undocumented immigrants—*sans papiers* as they are graphically called in Europe—who find themselves excluded from the societies in which they live and increasingly vulnerable to exploitation in employment, marginalization, and racist and xenophobic hostility, whether in countries of transit or of destination. Their uncertain legal status leaves them reluctant to seek or be provided with police protection, means of redress, or access to justice.

The challenge today is to provide effective protection for the human rights of this growing community who live outside the countries of which they are citizens. This is not to say that migrants—whether legal

or illegal—do not have rights under international human rights law. They are protected by existing human rights treaties, and a new treaty with the specific object of protecting migrant workers has just come into effect. *The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families* protects the rights of undocumented as well as legal migrant workers. It offers a set of standards for *all* migrant workers—protection against arbitrary arrest, rights to due process, privacy, and trade-union membership and activity—and requires treatment for legal workers that is "not less favourable" than that of nationals in respect to pay and conditions of decent work. But too often these international standards remain paper guarantees, without the political will or the means to enforce them.

One point I would note is that a rights approach ensures that irregular or illegal migrants are not seen as one undifferentiated group. A rights approach means recognizing that asylum seekers and refugees who might move illegally have a right to be protected under international law. Equally, it ensures that persons who have been trafficked are seen as victims and not as offenders.

Equally important, a human rights approach to addressing the problem of illegal migration recognizes the place for law enforcement but also recognizes its limitations. It treats people as rational human beings who make rational choices. It puts emphasis on prevention, through increased opportunities for nonexploitative, legal migration where there is an unmet demand for labor. It would also put more resources into dealing with human rights problems in developing countries such as poverty, discrimination, violence against women, and conflicts that force people to flee. Finally, I believe a human rights approach provides the framework for a rational analysis of the causes of illegal migration and a greater recognition that a border control response alone will not solve the problem.

It may also lead us to reconsider our notions of citizenship, developed at a time when men and women lived their lives in a single national and territorial community, and review them in light of today's realities, in which individuals move, travel, and enjoy rights and acquire obligations in more than one society. The complex issues surrounding migration is another area where I hope the Ethical Globalization Initiative will be able to contribute by linking with and bringing together multi-stakeholder groups committed to tackling this contemporary challenge.

Africa and Human Rights

The problems of HIV/AIDS and illegal migration clearly impact different countries in different ways. In my lecture tomorrow, I will focus on the challenges facing Africa and reflect on how, in my new work, I hope to be of support to African countries committed to strengthening their own local and national systems for protecting human rights.

Clearly, bad performance on the part of some governments continues to be caused by lack of respect for the rule of law, by corruption, and by repressive measures that prevent accountable governance. But what I found in many countries is a genuine willingness on the part of governments—usually responding to the demands of their civil society—to make good on human rights commitments, but a lack of actual capacity to make meaningful changes in their own national protection systems.

For although the process of globalization in many ways can be seen as power moving away from nation states to private actors, human rights cannot be realized in the absence of effective and accountable government institutions. Where courts are corrupt, overburdened, and inefficient, basic civil rights will be violated. Where social ministries are under-resourced, disempowered, or lacking in qualified staff, basic rights to adequate health care, education, and housing will remain unfulfilled. Institution building and reform is neither easy nor particularly newsworthy—it is, however, essential.

How will national protection systems be strengthened? It will take political will and the full participation of civil society. But it will also take huge increases in resources, financial and expert.

Again the question must be asked: is there an international responsibility for supporting countries in need of help to build their own national structures to ensure the protection of human rights? If so, how do we define where these responsibilities begin and end?

Conclusion

To start with, we have to change our thinking. Over the years I have been influenced in my own thinking by Hans Kung's Project for a Global Ethic. Writing in 1999, he explained it this way:

The globalization of the economy, technology, and the media means also the globalization of problems: from financial and labor markets to the environment and organized crime! What is therefore also needed is the globalization of ethic. Again: not a uniform ethical system ("ethics"), but a necessary minimum of shared ethical values, basic attitudes and standards to which all regions, nations, and interest groups can subscribe—in other words, a shared basic ethic for humankind. Indeed, there can be no new world order without a world ethic, a global ethic.

Four years later our world is more divided, more anxious, more aware of its vulnerability to attack. Can we commit to that global ethic? If so, can it—to borrow Yeats's image—make an imprint on the "soft wax" of our globalizing world and heal the deep divides and inequalities? The sooner we can agree on practical approaches to addressing these divides and inequalities, the more secure our world will be for all of us.

II. THE CHALLENGE OF HUMAN RIGHTS
PROTECTION IN AFRICA

Ladies and Gentlemen,

It is a pleasure to return to Kresge Auditorium this evening. I would like to express my thanks once again to President Hennessy and to Stanford's Ethics in Society Program for inviting me to deliver the 2003 Tanner Lectures on Human Values.

I don't often have the opportunity to give two lectures at the same institution on consecutive days or to spend three days at a university. But now, halfway through my visit, I can already say that it has been enormously enriching for me. Earlier today in a discussion with students and faculty we were able to explore further the issues I raised in my first lecture, and I look forward to further dialogue this evening and tomorrow. In my first lecture, I argued that a lack of attention to shared values and ethical standards in national and international decision-making is at the heart of the controversies surrounding globalization.

I proposed that a first step in addressing these shortcomings would be more dialogue based on a common language of respect and solidarity.

I stressed that the language used in such dialogue must be able to carry the moral and legal force of the international community, manage competing claims, and embrace the diversity of human experience. The language that I proposed could meet each of these tests is that of the international human rights standards that have been developed over the past half century.

I also reflected yesterday on the human value of responsibility and the degree to which different actors—governments, international organizations, the private sector, and civil society—are responsible for addressing global problems such as HIV/AIDS and the backlash against people increasingly migrating across national borders in search of security and a better life.

I stressed that although primary responsibility for protecting human rights remains with national governments, there is also a growing awareness that in a world increasingly shaped by global economic, technological, political, and social forces, there must also be growing international responsibilities for securing "global public goods."

Tonight I would like to focus on how the notion of shared responsibilities for the realization of human rights could be applied to the part of the world that to date has been most excluded from the potential benefits of globalization—Africa. Clearly there is some overlap, in that the human rights approach to tackling the HIV/AIDS pandemic that I outlined yesterday has particular application in many countries in Africa.

I will reflect not only on the responsibilities that must be taken on by individual governments to improve their national human rights protection systems, but also on how Africa-wide initiatives such as the New Partnership for Africa's Development—or NEPAD—could learn from and build on examples of shared responsibility that can be seen, for example, through the development of the European Union. I will also briefly outline how, in the new project I am developing—the Ethical Globalization Initiative—I hope to foster private sector and civil society support for African countries that are committed to strengthening human rights at home.

Finally, given that the frame of this lecture is human values, I want to revisit an initiative I took as secretary general of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, to try to ground that conference in a strong value system. I believe that value system is more needed than ever in our post–9/11 world.

Africa and Human Rights

In a message to an All-Africa Conference on Law, Justice and Development, held earlier this month in Nigeria, Kofi Annan urged that

> …it is not enough for States simply to give their consent to be bound by treaties, or to take action only to give the appearance of compliance. States must respect and implement the obligations embodied in treaties, norms and laws. Indeed, some of the key challenges at the heart of development—including the demands of democratization, governance and accountability; the elimination of discrimination against women and enhancing their role in male-dominated societies; combating corruption, terrorism and other forms of criminality; enhancing judicial reforms—require not only leadership and resources, but a legal response.
>
> That gives lawyers and all others involved in the pursuit of justice a critical role in the continent's future. You can set an example of peaceful discourse. You can educate others and exchange best practices amongst yourselves. You can speak out about the role of international law in an age of interdependence. You can forge alliances, and find strength in advocating together for human rights and fundamental freedoms. And you can press your leaders to fulfill their commitments while urging leaders around the world to honour their pledge, as set out in the Millennium Declaration, to help Africans in their struggle for lasting peace, poverty eradication and sustainable development.

As I noted yesterday, when briefly introducing this evening's theme, many of the worst human rights violations in Africa have been and continue to be the result of failures in governance at the local and national level, about which there has also been a lack of effective concern at an international level.

But alongside these realities, what I found in visiting many African countries during my term as UN High Commissioner for Human Rights was a genuine awareness on the part of some governments of the importance of meeting and living up to their human rights commitments. Pressure from their own civil societies, combined with emphasis on reform put by UN agencies, donor countries, multilateral organizations, international NGOs, and foundations, has resulted in a clear acknowledgment that doing so also helps to foster an environment conducive to inward investment and economic development. The stumbling block that most governments face is a lack of capacity to make the

far-reaching changes and adaptations needed. That capacity has been weakened further in some countries by the obligation to implement the sometimes ill-advised structural adjustment policies advocated by the international financial institutions.

African governments today recognize that neither human rights nor economic development can be realized in the absence of effective and accountable institutions. The fundamentals of governance must be in place if we want progress on these fronts. Where courts are inefficient, overburdened, and sometimes corrupt, basic civil rights will be violated. Donor governments will in turn withhold aid for basic civil infrastructure, and potential investors will be less likely to take risks on new business ventures. Where social ministries are under-resourced, disempowered, or lacking in qualified staff, basic rights to adequate health care, education, and housing will remain either unfulfilled or well below minimum expectations. These conditions have been shown to fuel public unrest, often manifested in the form of ethnic or religious conflict, all of which can set back the cause of human rights, democracy, and development for decades.

I believe the future of human rights in Africa will depend to a great extent on whether the countries themselves are successful in building their own national structures to ensure the protection of fundamental rights. These structures will need to respond to prevailing conditions and cultures—in the process respecting ethnic, cultural, religious, and linguistic diversity. Experience also shows that societies where the domestic infrastructure reflects the state's commitment to democracy and the rule of law—such as a pluralistic and accountable parliament, an executive ultimately subject to the authority of elected representatives, and an independent, impartial judiciary—are also best able to ensure the attainment and protection of human rights.

But how will African countries be able to dedicate the resources needed to put in place or reform the building blocks of human rights protection, such as effective police or judicial systems, when the cold reality of other challenges, most notably the spread of HIV/AIDS and endemic poverty, seems so much more pressing?

Recent statistics on AIDS in Africa are enough to cause any of us to seriously question whether, without a dramatic change of approach, the resources needed to strengthen the human rights infrastructure of many African countries can ever be achieved. For example, last year the United Nations AIDS program projected that of all 15-year-olds in the

worst-afflicted African nations—Botswana, Swaziland, Zambia, Zimbabwe, and South Africa—half or more will die of AIDS.

AIDS has cut life expectancy in Botswana from seventy-one years to thirty-five years and in Zimbabwe from seventy years to thirty-six. The Congressional Research Service has reported that by 2010, life expectancy at birth throughout southern Africa is expected to have fallen to thirty years. Prospects of a negative population growth rate in some countries loom ominously on the horizon.

Yet despite these horrifying statistics, across the African continent, and in virtually every country, there are genuine and serious local and national efforts to develop a culture of human rights; indeed, many of these initiatives address the rights of people infected with HIV. These efforts are reflected in the activities of either individual organizations or a combination of government, civil society groups, NGOs, and the private sector and include support for a wide spectrum of human rights from physical security to socioeconomic well-being. The question we need to answer is this: how can these initiatives be developed, and dramatically scaled up, not over ten or twenty years, but now? And how can this happen in the context of poverty, disease, debt, conflict, and the displacement of millions of people across the continent?

NEPAD

A significant potential framework is the New Partnership for Africa's Development (NEPAD), which was launched in July 2001 at the Organization of African Unity (now the African Union [AU]) Summit in Lusaka. It has been described as "a vision and program of action for the redevelopment of the African continent" and an "integrated development plan that addresses key social, economic and political priorities in a coherent and balanced manner."

Government leaders in Africa have committed themselves through the NEPAD to delivering pluralistic states with transparent administrations, effective institutions, and sound regulatory frameworks, all underpinned by the rule of law and with an innovative interstate peer review mechanism. They have recognized (and I quote from the NEPAD program document of October 2001) that "[t]he new phase of globalization coincided with the reshaping of international relations in the aftermath of the Cold War. This is associated with the emergence of

new concepts of security and self-interest, which encompass the right to development and the eradication of poverty. Democracy and state legitimacy have been redefined to include accountable government, a culture of human rights and popular participation as central elements."

A key mandate of the NEPAD process is the commitment to strengthen the administration of justice, the rule of law, and adherence to international human rights standards.

The goals and approach of the NEPAD, together with the evolving institutional structure of the African Union, remind me in some ways of the development of the European Union. When I visited Stanford in 1995, during my term as president of Ireland, I spoke about how the history of the United States was instructive to European countries as they worked to develop closer economic, political, and social cooperation. Now, almost a decade later, I can't resist thinking that African countries may be able to draw on the experience of Europe as they work toward a cohesive African Union.

The starting points are very different. Europe began in 1951 with the pragmatic building block of the Coal and Steel Community involving six countries, adding the economic community and the energy community in 1957. It then proceeded with a slow and careful process of enlargement, carefully monitoring the implications for the institutional development and balance of power within the evolving European Union. I recall the intellectual thrill of being invited as a young lawyer and lecturer on European Community Law in Trinity College, Dublin, to serve on the Vedel committee established in 1972 by the European Commission to consider the institutional implications of that first enlargement of the then European Community from six to nine members. Subsequently it enlarged from nine to fifteen, and it has now agreed to extend from fifteen to twenty-five members.

At each stage close attention has been paid to the institutional development of the growing union, currently in the deliberations of the Convention on Europe. And, at the same time, a need was felt on certain issues to allow a "two-speed" Europe. Current examples of this are the euro-zone and the Schengen arrangements for admitting migrants to certain countries.

The African approach, by contrast, is inclusive from the beginning, encompassing all fifty-three countries in the African Union and involving their support for the NEPAD proclaimed at the Durban Summit

last July. Discussions are taking place on the institutional development of the African Union, and preparations are under way for election at the next African Union Summit of the new ten-member African Commission, half of whose members are expected to be women. The NEPAD secretariat is holding consultations on the development of the African Peer Review Mechanism (APRM) as envisaged in the NEPAD program.

Observing in a supportive way these developments, and drawing on my own "insider" experience of the European Union, I sense that Africa —perhaps even more than Europe—may need to engage in a two-speed approach, whereby certain countries join together to pioneer fast-track progress in certain areas and combine this with a modified form of peer review among those countries initially.

The most compelling reason for encouraging the evolution of a two-speed approach is to build in the human values essential to real progress. African leaders have committed themselves in the NEPAD to strengthening administration of justice and rule of law in their countries, tackling corruption, and adhering fully to international human rights norms and standards. These goals cannot be achieved without the full participation of civil society in the widest sense, including business and trade unions, church groups, and the empowerment of women.

Clearly, resources—both financial and intellectual—are desperately needed if we hope to see urgent and significant changes. Accepting fully that building a national protection system must be country-led, requiring both the political will of the government and the involvement of civil society, assistance from the outside can and must be offered in support, so that the approach is truly sustainable. Yet too often international assistance to developing countries has been approached from a technical, one size fits all, minimalist point of view, designed to ensure the success of economic development and investment rather than entrenching a culture that is rights based with human rights objectives. Sustainable success, however, ultimately depends on the degree to which human rights are integrated into the development process and are an essential part of the programming process.

Our approach will benefit from a report by the International Council on Human Rights Policy on local perspectives on aid to the justice sector, which lays out the necessary relationships that would give effect to the success of human rights assistance programs.

Key principles identified in the report include "a commitment to":

Transparency. Hidden agendas, whether real or imagined, inhibit the trust that is essential to effective aid partnerships. Information on the reform process and on all aspects of donor assistance should be readily accessible to the public and to the various parties actively involved. Some donors do not make enough information available about their work.

Sustained commitment. Successful reform requires sustained commitment from governments, national institutions and donors. Donors need to treat reform as a long-term process, and should be prepared from the outset to stay the course.

Accountability. Mutual accountability between donors and beneficiaries is essential to effective aid relationships. The ultimate beneficiaries of aid should be those whose rights are in jeopardy and who need better protection. More generally, they are the people served by the institutions that receive aid. In the final analysis, aid should be judged in relation to this objective, and governments, other national institutions and donors should measure their performance primarily against this test of accountability.

The report goes on to include other relevant factors such as the flexibility and ability to evolve on the part of donors, the need to build local ownership and capacity and to respect local priorities and avoid imported solutions and to invest for the long-term.

Ethical Globalization Initiative

It is challenges such as these that I will be devoting a considerable amount of my time to over the coming months. The overarching objectives I have set for the Ethical Globalization Initiative, along with its three partner organizations—the Aspen Institute, the International Council on Human Rights Policy, and the State of the World Forum—are, first, to integrate human rights norms and standards more effectively into efforts to address globalization challenges, and, second, to link international efforts and policy responses more directly with African realities.

EGI's approach will be to encourage new forms of cooperation (and joint advocacy) between universities, research centers, and professional bodies around the world with their counterparts in African countries, as well as engaging governments, foundations, regional organizations, in-

ternational financial institutions, NGO networks, and the corporate sector in supporting projects of human rights capacity building, for example, in the fight against AIDS in Africa.

Our efforts will be supported by an EGI-coordinated Africa Capacity Building Group consisting of eminent persons, experts, and facilitators from Africa or with in-depth knowledge of and empathy for the challenges facing countries in Africa, particularly in a fast globalizing world.

We hope our new work will be a modest contribution to one of the NEPAD's foundations, namely, "the expansion of democratic frontiers and the deepening of the culture of human rights" and its hope of a democratic Africa becoming "one of the pillars of world democracy, human rights and tolerance" (again, I quote from the NEPAD program document of October 2001).

Conclusion — The Importance of Values

As I indicated, I would like to conclude these Tanner Lectures by affirming my own belief in the importance of putting human values at the center of planning and of action. As president of Ireland, I learned how potent symbols could be: for example, a light in the window of my official residence was seen to connect with the Irish diaspora worldwide.

Later, faced with the most difficult task I was given during my term as UN High Commissioner for Human Rights, to act as secretary general of the World Conference against Racism, I recognized the importance of trying to get agreement on a language of values that should guide us. This was not emerging from the tortuous intergovernmental preparatory sessions, which were deeply affected by the escalating violence in the Middle East. So I took a risk of going outside routine UN approaches, and, using the context of the Millennium Assembly in September 2000, a year before the World Conference, I encouraged heads of state or government to sign a short vision statement entitled "Tolerance and Diversity, A Vision for the 21st Century." Nelson Mandela agreed to be the patron of the project, and in all some eighty heads of state or government including President Bill Clinton signed it. The text was drafted with the help not of politicians or bureaucrats but of poets and philosophers from Ireland, South Africa, and India.

As I reread it recently, it seemed to have an even greater relevance in

our post–9/11 world. It reminded me again of how within our own communities, as well as in relations between religions and cultural traditions, between rich and poor, between developed and developing nations, there is still so much to be done to bridge the divides between us. So let me, by way of conclusion, quote from it.

> As a new century begins, we believe each society needs to ask itself certain questions. Is it sufficiently inclusive? Is it non-discriminatory? Are its norms of behavior based on the principles enshrined in the Universal Declaration of Human Rights?
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> Racism, racial discrimination, xenophobia and all kinds of related intolerance have not gone away. We recognize that they persist in the new century and that their persistence is rooted in fear: fear of what is different, fear of the other, fear of the loss of personal security. And while we recognize that human fear is in itself ineradicable, we maintain that its consequences are not ineradicable.
>
> We all constitute one human family. This truth has now become self-evident because of the first mapping of the human genome, an extraordinary achievement which not only reaffirms our common humanity but promises transformations in scientific thought and practice, as well as in the visions which our species can entertain for itself. It encourages us toward the full exercise of our human spirit, the reawakening of all its inventive, creative and moral capacities, enhanced by the equal participation of men and women. And it could make the twenty-first century an era of genuine fulfillment and peace.
>
> We must strive to remind ourselves of this great possibility. Instead of allowing diversity of race and culture to become a limiting factor in human exchange and development, we must refocus our understanding, discern in such diversity the potential for mutual enrichment, and realize that it is the interchange between great traditions of human spirituality that offers the best prospect for the persistence of the human spirit itself. For too long such diversity has been treated as threat rather than gift. And too often that threat has been expressed in racial contempt and conflict, in exclusion, discrimination and intolerance....
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> What we envisage for every man, woman and child is a life where the exercise of individual gifts and personal rights is affirmed by the dynamic solidarity of our membership of the one human family.

Thank you.