

Overall Comment on Consultation Paper

The consultation paper demonstrates a clear shift away from human rights. Trade is the new mantra and human rights and development have been sacrificed to economic interests.

The paper in no way reflects the rhetoric that human rights and development are ‘at the heart’ of Irish Foreign Policy. The statement “Ireland’s foreign policy is shaped by our values and by the external environment to which we relate them. Ireland is committed to an international order based on the rule of law and the peaceful settlement of disputes” is not elaborated and this consultation paper establishes that economic recovery is now the overarching framework for Ireland’s foreign policy engagement, rather than any moral or principled statement of how Ireland will contribute to a peaceful and just world. There is no recognition that human rights, good governance and the rule of law are important preconditions for sustainable economic development and trade.

Economic interests are reiterated throughout the paper, with little mention of Ireland’s responsibility to protect and promote human rights. The paper makes explicit reference to “our values and interests” as a people, but does not clarify how these are interpreted. Nowhere is the responsibility to “Do No Harm” articulated.

Promoting our Values and Interests

The people of Ireland fundamentally believe in a decent world order in which Ireland plays its part. This has evolved over time and as a response to our own history.

As a country which suffered colonisation, oppression and famine, Irish people have developed an innate understanding of what justice means, and recognise the importance of having an ethical basis for how we conduct ourselves both internally and externally. We are a small island, with a history of forced emigration, poverty and the misuse of power, and the effects of this on family and community have shaped how we see ourselves and the world. Internally the numbers of people involved in civil society, the arts and human rights, and externally the contribution that Ireland has made to education, human rights, peace-keeping conflict resolution, development, non-proliferation and a non aggressive military foreign policy, are well documented¹.

Externally our reputation has been hard earned and there is a real danger now, that

¹The Commitment to Development Index ranked Ireland sixth out of the world’s richest 27 countries in 2013 (<http://www.cgdev.org/sites/default/files/CDI2013/cdi-brief-2013.html>);

The World Giving Index ranked Ireland as the fifth most giving country, after the United States, Canada, Myanmar and New Zealand (and as the most giving in Europe) in 2013

(https://www.cafonline.org/PDF/WorldGivingIndex2013_1374AWEB.pdf);

For 55 years Ireland has been involved in peacekeeping and has contributed more than 56,000 individual missions to over 54 UN peacekeeping operations (<http://www.irelandunnewyork.org/home/index.aspx?id=81379>);

The Convention on Cluster Munitions was adopted in Dublin on 30 May 2008, and now has 113 signatories (<http://www.clusterconvention.org>).

Ireland will erode or even lose its reputation, by regressing to seeing everything through an economic lens. We are seen as a non-aligned, mostly independent country with an excellent record in the areas above. Hopefully the new Foreign Policy will chart a direction of principled self interest for Ireland as a small country with limited resources and influence.

Ireland should advance a rights-based approach to foreign policy and external relations within enunciated principles and indicators of success, against which the Government (led by the Department of Foreign Affairs and Trade) can demonstrate progress. Benchmarks for action should be developed and should be applied consistently.

The emergence of new global powers in the international system provides an opportunity to build relationships in which (like Norway) it is understood that human rights are indeed at the “heart of foreign policy” and that there are red lines beyond which Ireland will not go. The new global powers have thick skins. They know they are not perfect and know that they are accountable on human rights issues – it is part of their responsibility as a member of the UN. The State should make it conditional that any action it takes is consistent with the human rights standards which it has guaranteed to uphold and this includes the issue of Trade.

International Issues

I would like to outline why the protection of human rights defenders is of critical importance and should remain a vital part of Ireland’s foreign policy. Human Rights Defenders are agents of social change who build civil, just and democratic societies. They are close to their communities and can empower them to claim their rights. As a small non-powerful state, Ireland cannot hope to solve global problems but it can help protect those brave individuals who help build democratic societies based on the rule of law.

A decade ago under the Irish Presidency, the EU Guidelines on human rights defenders were adopted and it was a fine example of how Ireland succeeded, against the odds, to ensure they were adopted. A decade on, they have become a reference document to drive the foreign policies of the EU and Member States towards effective protection of those putting their lives at risk for defending the rights of others. Ireland should retain ownership of them and stay at the forefront to further improve their impact.

Ireland can do much to support human rights defenders, both politically and financially; centrally and through its field missions as per the Guidelines it has developed to protect Human Rights Defenders. Furthermore, in cooperation with other EU Member States and like-minded countries, Ireland can get first-hand information on the human rights situation in many countries. This will allow them to influence the path to democratic and social changes in countries and also to take informed decisions on how to advance Ireland's political and strategic interests.

The Irish governments principled agreement to provide Temporary Humanitarian Visas for Human Rights Defenders at risk (which has been in place since 2007) providing a quick-acting mechanism to facilitate recognised HRDs to travel to Ireland for short stays for the purpose of respite, and because of temporary safety issues should be continued and Ireland should encourage other governments to do likewise.

The production of guidelines for embassies and missions and the organisation of pre-posting training for diplomats is a good step forward but the training needs to be deepened and the guidelines implemented. The Department's regular contact with Front Line Defenders on a number of individual cases of HRDs at risk, from agreed countries, with the objective of using their network of missions to raise these cases through diplomatic channels needs to be strengthened and mainstreamed across the Department.

In countries where HRDs are targeted and where there is an Irish Aid program, the leverage that this brings to negotiation with the government, is not applied in an effective way to protect HRDs. The specific targeting of human rights defenders and independent civil society in a number of the programme countries including Uganda, Ethiopia and Vietnam is ongoing and Ireland should insist that aid is conditional on the freedom of HRDs to be able to continue to do their legitimate work.

Irish Aid should develop an explicit strategy to prioritise support for free media and an independent civil society over and above collaborative approaches with Government institutions. Any collaboration with Government institutions that goes beyond humanitarian assistance should also be clearly conditional on the protection of human rights defenders and journalists and respect in practice for human rights and the rule of law. Ireland has, after all, signed up for the Busan principles on aid effectiveness and supporting an enabling environment for human rights defenders and independent civil society is crucial for governance, accountability, anti-corruption efforts and the kind of genuine partnership without which aid is wasted.

The EU

The EU Guidelines have become a cornerstone of EU human rights policy. Through the appointment of field liaison officers in 2010 and the holding of annual meetings of HRDs and EU diplomats, the EU Missions have increased their knowledge and connections with HRDs. They have provided them with visibility, moral, practical and financial support, as well as legitimacy at a time HRDs are often depicted as 'foreign agents,' enemies of the State or troublemakers. Be they diplomatic or practical, taken alone or via NGOs, these actions have helped HRDs improve their protection, feel more secure to continue their invaluable work, and ultimately - in many instances - save their lives.

Ireland should consolidate its ownership of the EU Guidelines (which is under threat by other European countries) by ensuring meaningful consistent and coherent involvement in the implementation of the guidelines. This will ensure that Ireland has a strong voice in the protection of HRDs. They should take leadership on the protection of HRDs within the EU and ensure that Europe has a stronger and more effective voice on the global level.

The UN

All of the work at the UN and other inter-governmental mechanisms shapes the discourse around Human Rights Defenders and is essential in order to progress the recognition of HRDs and their right to carry out their legitimate work without fear of persecution.

Ireland has a good record at the UN for its work on protection of HRDs and civil society space. Ireland leads the negotiation for the EU on the annual resolution on Human Rights

Defenders and also took the lead in presenting and negotiating the resolution entitled “Civil society space: Creating and maintaining, in law and in practice, a safe and enabling environment” along with Chile, Japan, Sierra Leone and Tunisia.

Ireland has a particular strength as a small country who was never a coloniser, to help break the divide between the West and the rest. The area where Ireland could make the most important contribution is in building alliances with non-Western governments and breaking the politicisation of the HRD issue at the Council. Governments hostile to independent civil society accuse them of using the issue of HRDs to interfere in their domestic affairs. Domestically, the same governments use the rhetoric that HRDs serve Western or foreign interests to dismiss their legitimate work. If one checks, for example, the list of countries asking HRD-related questions at the UPR, the vast majority if not all of them are Western countries. Ireland should work for increased support to HRDs by non-Western governments and push them to become a voice for HRDs at the regional and international levels.

The protection of HRDs must also be strengthened by addressing the issue of State non-cooperation with the SR. A procedure to address State non-cooperation is needed. This could include a number of actions, such as thorough public discussion of cases of non-cooperation at the HRC; follow up by the UN Secretary-General; including it as a standard item in UPR; including it among the eligibility criteria for election to the Council; introducing sanctions such as the suspension of speaking or voting rights. These last two proposals would be the most difficult to pass, but are also the ones that could more effectively address the problem, at least for HRC members. Furthermore, if a system to assess respect of the pledges made at the time of the election was introduced, cooperation with the HRC should also be part of the assessment.

Promoting a positive image of Ireland

Ireland's image is based on its culture, writings, poetry, music, dance and story telling which project an image of an interested and interesting people with a sense of fun and friendliness. This image will be heightened if the strands that make up values and interests come together in a coherent fashion, and are seen through the transformational lens of human rights. Only then will Ireland's recognition of the essential interconnections between security, development, and human rights be seriously credible. As Kofi Annan famously said,

“We will not enjoy development without security, we will not enjoy security without development, and we will not enjoy either without respect for human rights”.