



# Regional Organization and Humanitarian Practices

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## Introduction

In this article we shall be looking into the institutional mechanisms in place for the promotion and protection of human rights and for the development of humanitarian practices within regional organizations. We shall depart from the concept of regional governance in order to understand the role played by regional organizations in generating and consolidating rules on human rights and on humanitarian practices. We shall take the international human rights regime, humanitarian law and humanitarianism as references<sup>1</sup> for this analysis.

## Regional Governance

The peculiarity of regional governance is its attachment to a geographic space beyond the nation state. Regions in the sense used here are areas of the world formed by a number of countries that are economically and politically interdependent and are defined politically by the actors involved in building regional institutions. In fact the idea of region was marginalized from the academic debate on governance during the second half of the twentieth century as globalization and global issues drove the search for answers and concepts, but it has been revived during the last twenty years as geography and territory become a reference for the debate on governance.

Regional governance is a process involving state and non-state actors and several locations for authority. It is relevant to the organization of political reality as indicated

by the role the concept has played in the establishment of institutions, discourse, and practice. International cooperation in such different spheres as economic policy coordination, peace processes, peace operations, combating terrorism and transnational crime, building trust, arms control, and disarmament have all taken place regionally. As governance can be generated by an array of actors including nongovernmental organizations (NGOs), transnational social movements, networks, coalitions, and epistemic communities, intergovernmental regional organizations provide a focus for analysis as they often are the hub of regional interaction leading to the generation of rules.

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Regionalization processes have generated diverse forms of regional governance mechanisms involving states, non-state actors, and intergovernmental organizations. Using the principle of subsidiarity - working at the lowest level to achieve results - regional actors perceive that some issues can be better managed at the regional than global level, either because the region is more homogeneous or because there is awareness of collective problems or even regional identity or because it seems more efficient to manage a specific issue, such as migration in Europe or transnational crime in Latin America from a regional base. Thus for certain issues it may become easier to mobilize resources or agree on a common agenda.

Regional governance is unequal throughout the international system. The levels of institutionalization, of involvement of public and private actors, or of areas of focus and institutional design vary immensely. The contrast is striking, for instance, between Europe - where institutions are highly complex, well-funded, and robust - and the Asia-Pacific region - where regional governance is a more recent phenomena and less institutionalized.<sup>2</sup> Some institutional settings were initially geared towards one sphere of interaction moving in a latter period to other spheres of interactions such as the Association of Southeast Asian Nations (ASEAN), which was created in 1967 for a security agenda and then was geared towards emerging forms of regional economic governance in Asia.<sup>3</sup>

Regional governance is intertwined with other forms of governance and, as Peter Katzenstein reminds us, regional institutions were a central part of the American strategy in the context of the Cold War, most clearly expressed in the regional alliances generated, such as the North Atlantic Treaty Organization (NATO) and Southeast Asia Treaty Organization (SEATO).<sup>4</sup> The decline of the rivalry between the great powers diminished their perceived interests in different regions; and strategic competition in distant regions in many cases was considered less important.<sup>5</sup> The door was opened for greater and more autonomous interactions within the regional sphere, the regional dynamics were no longer solely determined by global dynamics'. Moreover, the process of decolonization, which took place beginning in the late 1940s and accelerated to the 1960s, laid the basis for the regionalization, having created specific dynamics in

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the international relations of the new independent countries of Africa, Asia, and the Middle East. This process continued with the end of the Soviet empire and the territorial changes in Asia and Eastern Europe that followed.<sup>6</sup>

The relation between regional and global governance also acquires meaning when we look at the historical relation between the United Nations and regional organizations. Regions were specifically mentioned in Chapter VIII of the Charter and cooperation between the UN and regional organizations became part of the debate on the reform of the UN system after the end of the Cold War.<sup>7</sup> The UN secretary-general convened high-level meetings with regional organizations involved in security operations, which produced a framework for cooperation between regional organizations and the UN.<sup>8</sup> In fact, if we look back in time, the League of Nations Covenant in its Article 21 mentions regional understandings in deference to the Monroe Doctrine, and the UN Charter mentions regional arrangements in its Chapter VIII. Moreover, regions have been a reference for the forms of representation within the UN system, and for the five regional economic and social commissions working mainly on development.<sup>9</sup>

It is also relevant to note that regional governance mechanisms do not have an impact restricted to the specific geographic area that they represent. Practices and discourses developed in one region may have an impact in other regions or in the system as a whole. The influence of the European Community and latter the EU on other experiments with economic integration is the most obvious example. In the sphere of security and in efforts to build democratic institutions NATO or the Organization for Security and Cooperation in Europe (OSCE) have also become references. The involvement of regional institutions in out-of-area operations, such as NATO in Afghanistan or the EU in the Congo is also a trend.<sup>10</sup>

The process of socialization of regional institutions, which has been taking place since the 1990s, is the most obvious expression of the link between global governance and regional governance but also of the example effect mentioned earlier. Regional organizations incorporate the discourse and practice that has become legitimate and has legitimized their role in an increasing homogenous manner. States, the UN system agencies and regional organizations are part of this social process where power relations, the success and failure of previous experiences and the internalization of rules and concepts permit the socialization of regional institutions. Thus multi-dimensional regional organizations often perform similar tasks in the economic and political spheres.

## Regional Organizations and Human Rights and Humanitarian Action

*Europe is the most institutionalized region of the world, and the European Union is the regional organization that concentrates the highest number of institutionalized initiatives focusing on human rights rules and practices, Humanitarian Law and humanitarian aid.*

After the end of the Cold War, the UN Security Council treated the failure to guarantee democracy and human rights or to protect individuals and groups against humanitarian abuses as a threat to peace and security. A significant increase in interest in the promotion of democracy among developed liberal democracies and international organizations can be detected<sup>11</sup>. The documents produced by the Secretary General Boutros-Ghali<sup>12</sup> at the dawn of the new period set the tone, and articulated the discourse that associates democracy, sovereignty, peace and development<sup>13</sup>. The literature on the democratic peace hypothesis is vast<sup>14</sup> and the association between the concept of democracy and the prospect of a peaceful and prosperous international system was now at the center of diplomacy, foreign policy, and the debate on the international agenda. The existence of a well established and institutionalized human rights regime was one of the building blocks of this process<sup>15</sup>.

The locus of legal authority shifted and criteria for evaluating governance broadened to include democratic institutions and the respect for human rights. In a nutshell, good governance associated to democracy emerged as the political rationale at the UN<sup>16</sup>.

Regional organizations, such as the OAS and OSCE, played an important role in establishing this trend. The process of incorporation of eastern European countries by the European Union set a paradigm in this respect. Membership of several organizations became conditional on the establishment of democratic credentials.

Democratic governance is considered today a central link between domestic and international governance, and regional organizations have been since the 1990s moving towards a common agenda and institutional design for the promotion of democratic governance. They have created normative devices, established conditions for participation in their activities and decision-making, formulated assistance programs, and provided a model for the development of representative democracy. The human rights and humanitarian crisis<sup>17</sup> management agendas are linked to the broader democratic governance agenda. Regional organizations also created an apparatus to deal with this area. The table below lists the range of such measures in several regional organizations.

**Table 18.2**

**Regional Organizations, Human Rights and Humanitarian Action**

<b>REGIONAL ORGANIZATIONS: What kind of mechanisms do they create to deal with Human Rights/Humanitarian?</b>		
INTERNATIONAL ORGANIZATION	HUMAN RIGHTS/HUMANITARIAN BODIES	
	INSTITUTIONS	DOCUMENTS AND CONVENTIONS
African Union	The African Court on Human and Peoples' Rights  Peace and Security Council  African Commission on Human Rights and Peoples's Rights  African Peer Review Mechanism	African Charter on Human and Peoples's Rights  Protocol to the ACHRPR  NEPAD
Arab League	Parliament Committee for Legislative, Legan and Human Rights Affairs  Committee of Experts on Human Rights  Pan-Arab Court of Human Rights (to be created)	Arab Charter on Human Rights
Asia-Pacific Economic Cooperation	Emergency Prepardness working group	
ASEAN	ASEAN Intergovernmental Commission on Human Rights	Agreement on Disaster management and Emerergency response (AADMER)
CAN	Work Programme for the Dissemination and Implementation of the Andean Charter for the Promotion and Protection of Human Rights	Andean Presidential Council Declaration on Democracy and Integration  Machu Picchu Declaration on Democracy, the Rights of Indigenous Peoples and Poverty Reduction
Commonwealth of Independent States	Humanitarian Cooperation Council  Interstate Humanitarian Cooperation Fund	Convention on Human Rights and Fundamental Freedoms
Council of Europe	European Commission of Human Rights  European Court of Human Rights	European Convention of Human Rights  European Social Charter

East African Community		East African Community Treaty
ECOWAS	<p>Department of Humanitarian and Social Affairs</p> <p>Office of the Commissioner Political Affairs, Peace &amp; Security</p> <p>ECOMOG</p> <p>Disaster management unit</p> <p>Emergency response team</p> <p>Peace support operation and Emergency response mechanism in West Africa</p>	
European Union	<p>European Instrument for Democracy and Human Rights (European Commission)</p> <p>EU Special Representative for Human Rights (European Commission)</p> <p>The Commission's European Community Humanitarian Office (European Commission)</p> <p>Monitoring and Information Centre (European Commission)</p> <p>Committee on Civil Liberties, Justice and Home Affairs (European Parliament)</p> <p>Subcommittee on Human Rights (European Parliament)</p> <p>Human Rights Unit (European Parliament)</p> <p>European Union Agency for Fundamental Rights (Council of European Union)</p>	<p>Charter of Fundamental Rights</p> <p>Copenhagen Criteria</p>
Mercosul	Institute of Public Policies on Human Rights (IPPDDHH)	
NATO	<p>Civil Emergency Planning</p> <p>Euro-Atlantic Disaster response coordination centre</p>	

OAS	<p>Inter-American Court of Human Rights</p> <p>Inter-American Commission on Human Rights</p> <p>Inter-American Program on the Promotion of Women's Human Rights and Gender Equity and Equality</p> <p>Inter-American Commission of Women</p> <p>The Inter-American Children's Institute</p> <p>Inter-American Program and Protection of the Human Rights of Migrants, Including Migrant Workers and their Families</p> <p>Inter-American Program of Judicial Facilitators</p> <p>Office of the Special Rapporteur for freedom of expression</p> <p>Demining Program</p> <p>Committee on Natural Disaster Reduction</p>	<p>American Convention on Human Rights</p> <p>Protocol of San Salvador</p> <p>Inter-American Democratic Charter</p>
Organization for the Islamic Conference		Cairo Declaration on Human Rights in Islam
Organisation Internationale de la Francophonie	Réseaux Institutionnels de la Francophonie	
OSCE	<p>Office for Democratic Institutions and Human Rights</p> <p>High Commissioner on National Minorities</p>	Copenhagen Document
Southern Africa Development Community	Disaster Risk Reduction Unit	<p>Protocol on Politics, Defence and Security Cooperation</p> <p>Protocol on Health</p> <p>Regional Water Policy</p>
South Asian Association for Regional Cooperation	Technical committees on gender inequalities and reduction of poverty	<p>SAARC Convention on Combating and Preventing of trafficking of women and children for prostitution</p> <p>Convention on promotion of welfare of children.</p>

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As the table above shows, regional organizations have generated documents, agencies, fora and projects geared toward the generation and consolidation of human rights and the establishment of a humanitarian agenda. We shall consider here efforts for the development of human rights practices, humanitarian law and humanitarian aid. We shall do so by analyzing the efforts underpinned by some of the most important regional organizations from all parts of the world in order to promote human rights practices, humanitarian law and humanitarian aid.

As we have mentioned above, Europe is the most institutionalized region of the world, and the European Union is the regional organization that concentrates the highest number of institutionalized initiatives focusing on human rights rules and practices, Humanitarian Law and humanitarian aid. Since its foundation, the EU has been involved in several initiatives dedicated to the promotion of human rights, the strengthening of humanitarian law and the supply of humanitarian aid. In fact the very idea of protection of human rights is one of its pillars. The 1992 Treaty on the European Union, which opened the way for political integration and introduced the concept of European citizenship, recognized the first European human rights treaty – the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) - as its general principle of law.

Nevertheless, the ECHR existed prior to European Union. It was actually promoted by the Council of Europe<sup>18</sup> and signed by 12 member states as early as 1950 coming into force in 1953. The ECHR was the first instrument to give effect to some of the rights stated in the Universal Declaration of Human Rights. It has a preamble, includes ten fundamental rights, and establishes two enforcement bodies—a Europe Commission of Human Rights<sup>19</sup> and a European Court of Human Rights<sup>20</sup>. Thus the ECHR was the first treaty to establish a supranational organ to ensure the respect of Human Rights. The Court is considered the highest European Court for human rights, and it is responsible for assuring states' compliance with the European Convention on Human Rights. In view of challenges to decisions taken by state courts, human rights de facto started gaining precedence over national legislation and practice.<sup>21</sup> This court also promotes an important adaptation of human rights rules and humanitarian law on internal armed conflicts, allowing the international community to supervise and respond to violent interactions between the state and its citizens.<sup>22</sup>

Thus, the ECHR was established and implemented by the Council of Europe, but it is also an important document for the European Union, since states need to sign and ratify the Convention in order to be considered a member of EU. But this is not the only document adopted by the EU regarding human rights matters.

In addition the EU developed its own Charter of Fundamental Rights, which was approved in 2000. The document brings together the fundamental rights that the EU aims to protect, such as “dignity freedoms, equality, solidarity, citizen's rights and



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David Chandler

justice”. The respect for those values is not only a common goal among EU countries but a condition of possibility of belonging to European Union. In fact, the rules that define whether a state is eligible to join the EU, also known as Copenhagen criteria, require that the state is committed to preserve democratic governance, promote human rights and respect minorities through its institutions. Moreover the European Union is well known for imposing conditions and submitting the association with other (non-EU) states to the human rights agenda. Human rights rules are associated with the Unions programs or cooperation projects for non-European countries. For such attitude the EU is often called a normative power, conceived here as the ability to shape conceptions of “normal”<sup>23</sup>.

The Charter of Fundamental Rights of the EU is considered to be the broadest document regarding individual and collective human rights adopted by a regional organization, ranging from issues such as the prohibition of death penalty (Article 2), of eugenic practices (Article 3), of torture (Article 4) and compulsory labor (Article 5) to freedom of the arts and sciences (Article 13), right to education (Article 15) and the right to access preventive healthcare (Article 35)<sup>24</sup>.

A similar document was adopted by the Council of Europe: the European Social Charter, which was designed to guarantee social and economic human rights since 1961. The European Social Charter was reformulated in 1996 and adopted by an even larger number of states than those which belong to the European Union: 47 countries, including Turkey and Russia. As the EU Charter of Fundamental Rights, the European Social Charter guarantees social rights such as housing, health and education, but also covers topics such as the prevention of torture, the suppression of terrorism and trafficking of human beings. Nevertheless in contrast to the European Convention on Human Rights (ECHR) and the Charter of Fundamental Rights, the Council of Europe Social Charter is not binding on member states and citizens. Part II of the Social Charter states that it is a declaration of aims rather than a binding legal agreement.<sup>25</sup>

The different bodies that compose the EU, such as the European Commission, the European Parliament and the European Union Council developed different practices, documents and/or institutions to deal with matters regarding human rights, humanitarian aid and humanitarian law. It is important to note that some of these bodies deal exclusively with those matters inside of European Union, while others deal with states that don't belong to EU.

The European Parliament, for example, holds a Committee on Civil Liberties, Justice and Home Affairs - the European Union Agency for Fundamental Rights. It provides assistance and expertise on human rights geared towards the implementation of community law or other actions. The agency is considered as an important policy maker in matters of human rights, since the information it produces is used not only by the EU, but also by other actors involved in human rights actions. Currently, the

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agency, for example, developed a practical toolkit, which aims to help public officials and practitioners who seek to coordinate fundamental rights initiative working locally, regionally, nationally or transnationally to further improve fundamental rights' protection<sup>26</sup>. Thus, the knowledge produced and gathered by a regional organization helps to shape the human rights field internationally.

Another initiative promoted by the European Parliament is the creation of the Subcommittee on Human Rights. The body organizes hearings and discussions on human rights issues such as the death penalty, torture or the fight against impunity, and develops reports and resolutions about such subjects<sup>27</sup>. Its annual Human Rights Report, concerning the human rights situation in the world, is also considered an important source of knowledge used by governments and NGOs to develop specific knowledge and actions in the areas targeted as vulnerable or problematic.

We find the most striking example of this dynamic of knowledge and practices being developed by one regional organization and used by other actors (other regional organizations, NGOs, etc) in the European Commission, which created the *European Instrument for Democracy and Human Rights* to promote democracy and Human Rights in non-EU Countries. The Commission supports several projects and programs, gives grants to finance projects submitted by civil society and/or international/ intergovernmental organizations, and mobilizes human and material sources for EU election observation missions. Projects supported include Transparency for Human Rights in Bangladesh, The South Caucasus Mediation & Dialogue Initiative for Reignited Peace Processes, strengthening the role of civil society in post-conflict states, truth-seeking and truth-telling in the Western Balkans and the Dialogue Initiative for Peace and Conflict Resolution on Kashmir<sup>28</sup>.

The work developed by the Commission's European Community Humanitarian Office (ECHO), former Humanitarian Aid Office, created in 1992 provides assistance in countries facing humanitarian crisis including national disasters and conflicts. Nowadays, this body focuses not only on crisis already taking place but on preparedness for possible crisis. Thus, resilience has become a central concept for the work done by ECHO. This represents an important shift from the liberal internationalist paradigm from the 1990s, when the agency acted a posteriori to protect victims from post-conflict situations of violence<sup>29</sup>. Instead, according to Chandler's definition, "the resilience paradigm clearly puts the agency of the most in need of assistance at the center, stressing a program of empowerment and capacity-building (...) the emphasis is on prevention rather than intervention, empowerment rather than protection, and work upon the vulnerable rather than upon victims. Hence, resilience is defined here as the capacity to positively or successfully adapt to external problems and threats".<sup>30</sup>

Thus, the resilience paradigm becomes central to many regional agencies, such as ECHO, that develops programs and projects to try to prevent humanitarian emergencies

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by addressing the needs of groups of people targeted as vulnerable, especially in non-EU countries. ECHO acts in South America through the South American Disaster Preparedness Program, which helps vulnerable communities in nine countries – Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Paraguay, Peru and Venezuela – get ready for potential natural disasters, like earthquakes, floods and mudslides. ECHO does not act alone, but has partners in the field, such as NGOs, UN agencies and the Red Cross Movement. Another mechanism developed by ECHO is the Monitoring and Information Centre (MIC), a civil protection mechanism made up of 32 states (27 EU Member States plus Croatia, Macedonia, Iceland, Liechtenstein and Norway) which co-operate to protect people in crisis situations. Food and nutrition assistance is also provided to several countries such as Sudan and South Sudan, Somalia, Pakistan, Kenya, Ethiopia and the Palestinian Territory.

Following the distinction proposed by Chandler<sup>31</sup>, though, European Union agencies act not only according to the resilience paradigm, but also according to the liberal internationalist one, specially when it comes to multi-dimensional peace operations, which often include human rights related activities and humanitarian action in countries such as Bosnia, Palestine, Georgia, Afghanistan, Congo, Uganda and Kosovo.

In 2012 a Special Representative for Human Rights was also created, expressing the relevance of the sphere in focus here for this regional organization. The first one to assume this position is Stavros Lambrinidis, with the role to enhance the effectiveness and visibility of EU human rights policy. He has a broad and flexible mandate and works closely with the European External Action Service.

But the EU is far from being the only regional organization in the European continent acting upon matters of human rights and humanitarian practices. In fact, the Organization for Security and Cooperation in Europe (OSCE) has been a ground-breaker in the creation of many of these standards<sup>32</sup>. In particular, the commitments on minorities in the Copenhagen Document<sup>33</sup> are still considered more advanced than provisions on minorities made by the United Nations and the Council of Europe. The Copenhagen Document not only includes detailed standards on the use of the mother tongue, educational provision, freedom of association among themselves and across borders, and so on, but also on the fundamental right of individuals to choose whether or not to identify themselves as members of a minority.<sup>34</sup> The OSCE has also developed an institutional mechanism that allows its member states to keep track and pressure other member states if they violate human and minority rights<sup>35</sup>. Following this idea, the Office for Democratic Institutions and Human Rights (ODIHR), originally established to monitor elections, is now authorized to provide information on human rights implementation issues for the annual review of human dimension commitments.<sup>36</sup> It also assists participating States in protecting the rights of trafficked persons and vulnerable groups. Another important task of ODIHR is monitoring the use of the death

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penalty is member states, seeking to increase transparency in the application of the death penalty in states that still adopt this practice and, above all, its abolition.

In 1992 the OSCE created the High Commissioner on National Minorities, established as a conflict prevention measure. Its mandate bridges the distinction between internal and interstate disputes, and also links human rights to conflict prevention. The idea of establishing this body was to identify ethnic tensions, and to seek to solve those tensions in order to preserve peace and avoid conflict. Thus, the mandate of the High Commissioner is two-fold: besides seeking to contain tensions, he/she is responsible to alert OSCE of any escalation of tensions involving minorities within member states or transnationally.<sup>37</sup> One of the most sensitive subjects addressed by the High Commissioner is the treatment European national governments give to Roma and Sinti people.

While adopting norms and practices aimed to address questions such as human rights and humanitarian practices, some regional organizations can experience a shift on its functions through time, as is the case of NATO. With the end of Cold War and the strengthening of the democratic peace discourse, NATO has become involved in democratic governance activities. Those activities lay far beyond the traditional military focus. Thus the Civil Emergency Planning Committee, Planning Groups and the Euro-Atlantic Disaster Response Coordination Centre become relevant parts of the organization's activities. On the other hand NATO has been a central agency of humanitarian interventionism during the last two decades<sup>38</sup>. The adoption of new tasks by NATO, such the "humanitarian war" in Kosovo, was facilitated by the Security Council's move to Chapter VII<sup>39</sup> and VIII<sup>40</sup> resolutions but the campaign generated a very wide debate over NATO's legality or legitimacy and over the role of regional organizations in this sphere<sup>41</sup>.

Hence, the Kosovo crisis partly transfigured NATO from a traditional collective defense organization into a humanitarian agency as Kosovo Albanian refugees became an object of protection<sup>42</sup>. In response to this humanitarian crisis generated in part by the very airstrikes it conducted in Serbia and Kosovo, NATO became a significant, even though contested, player in the humanitarian field, helping to coordinate humanitarian action for 1,5 million people displaced by the crisis<sup>43</sup>. NATO's material capacities and logistical technologies, such as airlift capacity, primarily used for military purposes, were used for humanitarian practices, helping to explain how the organization was able to move so quickly from a military to a humanitarian perspective.<sup>44</sup> After Kosovo, NATO also participated in other peace operations, also engaging in humanitarian practices, such as in Afghanistan, Iraq and Libya.

Although the European continent has the most robust institutional setting geared toward the protection of human rights and toward humanitarian issues, the Western Hemisphere was a pioneer in the human rights protection field. The 1948 American

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Declaration of Rights and Duties of Men launched the inter-American human rights regime even before the UN General Assembly approved the Universal Declaration of Human Rights, the first in May 1948 and the second, in December 1948. In addition the Inter-American Commission for Human Rights (IACHR) was created in 1959. The Commission receives petitions from states, individuals and non-governmental organizations affected by a violation. In 1969, the American Convention on Human Rights was adopted and it has been in force since 1978. The Inter-American Court of Human Rights was established in San Jose Costa Rica and a year later the jurisdiction of the Court was already recognized by 22 members of the OAS. The court has issued rulings that set standards regarding abduction, arbitrary detention, torture, extrajudicial executions, the need to prosecute those responsible for human rights violations, and the responsibility of states regarding the protection of citizens' human rights. The Protocol of San Salvador<sup>45</sup> of 1999, which has been ratified by 16 member states, introduced country reporting as a monitoring mechanism.

The IACHR and the Court have also played a significant role in the consolidation of the Inter-American Democratic Paradigm, having established norms and jurisprudence regarding the link between human rights, democracy, and the freedom of expression. In 1997, the Court created the office of the special *rappporteur* for freedom of expression, which has generated relevant information regarding this aspect of the democratic agenda.

Moreover for the last 20 years the OAS has been closely involved in the process of stabilization of representative democracies, the Inter-American Democratic Charter having been adopted in 2001 institutionalizing the democratic paradigm<sup>46</sup>. The Charter establishes a clear link between the inter-American human rights regime, combating poverty, promoting development, non-discrimination, and representative democracy.

The organization has been a central forum for the creation of a regional norm of protection of democratic regimes and institutions. Moreover it has been engaged in both crisis management and institutional building. The new weight given by the OAS to the defense of democracy marked the international landscape in the region in the 1990s. The concept of democracy is present in the OAS's founding document and has played a role in inter-American affairs for the last sixty years. But only in the 1990's was the norm of representative democracy as a condition for participation in the inter-American system generated. The idea of democracy as a norm domestically was wedded to the idea that it should be collectively defended by the countries of the region. A set of practices has been developed involving assistance for and legitimization of elections, debates, educational activities, the dissemination of information on democratic governance, and collective intervention in the case of crisis.

The OAS also develops humanitarian activities, the most important being the demining of Latin-American states that experienced civil war in the past decades, such as

Central-American states and Colombia. This program is ongoing since 1991 in Central America. In 2003 the OAS also started supporting Colombia's humanitarian mine actions activities. Thus, the program includes the training of government deminers and supervisors, provision of education for people living in areas affected by landmines on how to minimize risks and rehabilitation, training and reintegration of survivors of landmines into society.

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The OAS also deals with natural disasters, considered security issues, in line with the multidimensional definition of security adopted in 2003. Thus in 1999, the OAS General Assembly established the Inter-American Committee on Natural Disaster Reduction (IACNDR). The main purpose of IACNDR, which involves eight different OAS bodies', "is to act as the principal forum of the Inter-American System for analyzing issues related to natural and other disasters, including the prevention and mitigation of their effects, in coordination with the governments of member states; competent national, regional, and international organizations; and non-governmental organizations...<sup>47</sup>.

The IACNDR is also responsible for implementing the Inter-American Strategic Plan for Policy on Vulnerability Reduction, Risk Management and Disaster Response (IASP), addressing six vulnerable areas: agriculture, food security and nutrition; critical facilities; education; health; national disaster management systems and public awareness and information management.<sup>48</sup> The main goals of IASP are to reduce the loss of human life and property, to improve emergency preparedness and response, to improve financial protection from catastrophic loss and to make economic and social infrastructure more resilient for sustainable development and hemispheric security<sup>49</sup>. By implementing such device, OAS hopes that "member states become increasingly resilient to the impact of natural hazard events, and less dependent on the international community for emergency assistance when those events do strike".<sup>50</sup> Once again, we can detect the resilience approach being suggested in policy documents of regional organizations, aiming to minimize vulnerability and contain risks.

The African continent also became a site where norms, rules, practices and decision-making regarding human rights and humanitarian aid were adopted, developed or transformed. When the Organization of African Unity was transformed into the African Union, and the New Partnership for Africa's Development was adopted (NEPAD) in 2001, one of the main questions that were raised was if this transformation could really make a difference for human rights on the African continent<sup>51</sup>. As a matter of fact, the OAU showed already some concerns with Human Rights issues. Its charter reaffirmed the principles of the UN Charter and the Universal Declaration of Human Rights, and also made reference to the right of self-determination, the eradication of colonialism, and the welfare and well-being of African people. Besides that, OAU was concerned about the persisting colonialism in the former Portuguese colonies of Mozambique and Angola and with the racist regimes in Rhodesia and South Africa.<sup>52</sup> This initial concern

with human rights gained strength when the African Charter on Human and Peoples' Rights (ACHPR) entered into force in 1986 with its independent Commission in Banjul. This was seen as the principal body for promoting and protecting human rights on the continent. Over the years its African Commission on Human and Peoples' Rights has become increasingly confident and gained more respect from states in its promotion and protection of human rights.<sup>53</sup>

*While Asia is the only area in the world that does not have a human right court covering the region as a whole, some new initiatives indicate that a human rights regime is emerging in the region, especially in East Asia.*

With the creation of AU, the OAU's absolute commitment to "non-interference in the internal affairs of States" was significantly modified by explicit promises to "promote and protect human and peoples' rights in accordance with the African Charter on Human and Peoples' Rights and other relevant human rights instruments". The African Union was born carrying principles such as "respect for democratic principles, human rights, the rule of law and good governance"; along with "condemnation and rejection of unconstitutional changes of governments"; and "the right of the Union to intervene in a Member State pursuant to a decision of the Assembly of Heads of State and Government<sup>54</sup> in grave circumstances, namely war crimes, genocide and crimes against humanity".<sup>55</sup>

The existence of the African Court on Human and People's Right may also help to consolidate this idea. The Court, which started operating in 2006, has jurisdiction over all cases and disputes submitted to it concerning the interpretation and application of the African Charter on Human and Peoples' Rights and the Protocol that instituted the Court (Protocol to the African Charter on Human and Peoples' Rights)<sup>56</sup>. According to the Protocol (Article 5), the Court may receive complaints and/or applications submitted to it either by the African Commission of Human and Peoples' Rights or State parties to the Protocol or African Intergovernmental Organizations. Non-Governmental Organizations with observer status before the African Commission on Human and Peoples' Rights and individuals from States which have made a Declaration accepting the jurisdiction of the Court can also institute cases directly before the Court<sup>57</sup>.

Among all treaties and documents signed by AU, the most significant is NEPAD, although it is considered quite problematic and incomplete in matters of human rights.<sup>58</sup> NEPAD is formed by three main mechanisms: a Peace and Security Initiative (comprising development and security, early warning and prevention, management and resolution of conflicts), an Economic and Corporate Governance Initiative and the Democracy and Political Governance Initiative. It is the latter which is important from the perspective of human rights. It aims to enforce strict adherence to the position of the African Union (AU) on unconstitutional changes of government and other decisions of the organization aimed at promoting democracy, good governance, peace and security. It also aims at establishing and strengthening appropriate electoral administrations and oversight bodies in each member state. Among its key objectives we can find the prevention and reduction of intra and interstates conflicts, constitutional democracy as a value,

*In the Arab world, the Arab League has adopted the Arab Charter on Human Rights in 2004 through which the principles contained in the UN Charter, the Universal Declaration of Human Rights, the International Covenants on Human Rights and the Cairo Declaration on Human Rights in Islam are reaffirmed.*

including the upholding of free and fair elections, and the promotion of the rights of women, children and vulnerable groups, including displaced persons and refugees<sup>59</sup>.

But NEPAD's most important contribution for the development of new practices, though, is its statement that the effort to put an end to poverty in Africa must depend not only on sound economic policies but also on respect for democracy, good governance, and human rights. However, NEPAD fails to integrate this analysis into its program for development, and to suggest the reforms that would be necessary to achieve that respect.<sup>60</sup>

Another important body that was created on 2003 during a meeting in Addis Ababa between AU heads of state was the Peace and Security Council (PSC), which replaced the previous Mechanism for Conflict Prevention, Management and Resolution, established by the OAU in 1999. Even though the PSC is not considered a traditional human rights body, it states that democratic institutions and the respect for human rights are important assets to achieve stability, security and peace in the continent.<sup>61</sup> Among its objectives we can find "the promotion of peace, security and stability in Africa in order to guarantee the protection and preservation of life"; "anticipation and prevention conflicts. In circumstances where conflicts occur, the Peace and Security Council shall have the responsibility to undertake peace-making and peacebuilding functions".<sup>62</sup> It also aims to "promote and encourage democratic practices, good governance and the rule of law, protect human rights and fundamental freedoms, respect for the sanctity of human life and international humanitarian law, as part of efforts for preventing conflicts"<sup>63</sup>.

The PSC also goes further than the previous Mechanism for Conflict Prevention, Management and Resolution established by the OAU, recognizing the right of the Union to intervene "in respect of grave circumstances, namely war crimes, genocide and crimes against humanity" and "the right of Member States to request intervention from the Union in order to restore peace and security"<sup>64</sup>.

One of the main features of UA and NEPAD is that African leaders have, at least in principle, agreed and committed themselves in protecting human rights and promoting democratic development not only in their own countries, but also in other countries in Africa. The principles of sovereignty and non-intervention, considered sacro-saint during the years of OAU – promoted especially by Muammar Kadafi - were, at least in theory, questioned by UA's treaties, bodies and documents. In addition, after 2003, 33 African countries joined the African Peer Review Mechanism (APRM), an important mechanism designed to assure states' compliance with a wide range of African and international human rights treaties. The APRM receives a great amount of financial aid and support from Western countries such as Canada and United Kingdom, and it is not always well received by African leaders, especially when the peer review mechanism involves human rights matters.<sup>65</sup>



*In 2009, the Mercosul created the Institute of Public Policies on Human Rights, aiming to contribute to strengthening the rule of law through the design and monitoring of public policies on human rights.*

Another African regional organization, the East African Community, also reaffirms the African Charter on Human and Peoples' Rights in its main treaty, stressing as the fundamental principles of the Community: "good governance including adherence to the principles of democracy, the rule of law, accountability, transparency, social justice, equal opportunities, gender equality, as well as the recognition, promotion and protection of human and peoples rights in accordance with the provisions of the African Charter on Human and Peoples' Rights"<sup>66</sup>.

The Economic Community of West African States (ECOWAS) on its part has developed some mechanisms focusing on conflict prevention. In 2001, it established the Department of Humanitarian Affairs, with its Disaster and Management Unit responsible for the implementation of the organization's policy for disaster risk reduction, while the ECOWAS Emergency Response Team is a civilian tool to complement Peace Support Operations and Emergency Response Mechanisms in West Africa. The Office of the Commissioner Political Affairs, Peace & Security is responsible for observation and monitoring of humanitarian and other human security issues within the framework of conflict prevention.

While Asia is the only area in the world that does not have a human right court covering the region as a whole, some new initiatives indicate that a human rights regime is emerging in the region, especially in East Asia<sup>67</sup>. An example of this is the ASEAN Intergovernmental Commission on Human Rights, inaugurated in 2009 to promote human rights in Asia.

ASEAN also improved its capabilities in responding to humanitarian emergencies. Following the 2004 tsunami that caused overwhelming damages in Asia, this regional organization reached an Agreement on Disaster Management and Emergency Response (AADMER). The agreement foresees a "natural disaster management cooperation" within member states, particularly through building early warning systems, improving public awareness and investing in natural disaster prevention works.

In the Arab world, the Arab League has adopted the Arab Charter on Human Rights in 2004 through which the principles contained in the UN Charter, the Universal Declaration of Human Rights, the International Covenants on Human Rights and the Cairo Declaration on Human Rights in Islam<sup>68</sup> are reaffirmed. The 2004 Charter was presented as an effort to modernize the League of Arab States bringing it in line with international standards.<sup>69</sup> Nevertheless, the first version of the 2004 Charter was widely considered inadequate in terms of human rights protection. Seven experts from Arab countries who worked for the UN were thus appointed to draft a new version of the Charter, more aligned to UN (and Western) standards. Even though the new Charter was acknowledge to strength the protection of human rights in the Arab League states', some of its articles are still regarded as problematic. Article 7, for example, states that "sentence of death shall not be imposed on persons under 18 years of age,

unless otherwise stipulated in the laws in force at the time of the commission of the crime”<sup>70</sup>. The possibility of a child under 18 being condemned to death penalty is a clear violation on the Convention on the Rights of the Child and is also in contradiction with the International Covenant on Civil and Political Rights, from the UN Office of the High Commissioner for Human Rights<sup>71</sup>.

Article 45(1) of the Charter, implemented in 2008, also provides for the election of a seven-person Committee of Experts on Human Rights to consider States’ reports. The Committee has been working since March 2009. Members serve a four year term and must be fully independent and impartial, although Amnesty International criticized those criteria saying they do not meet UN standards<sup>72</sup>. Three years earlier, in 2005, the organization also established an Arab Parliament which hosts a Committee for Legislative, Legal and Human Rights Affairs.

Another initiative to be adopted by the Arab League is the creation of a pan-Arab court of human rights. The creation of this body was approved by Arab League member states during a meeting in Cairo in September 2013. For now, there is no word on what jurisdiction the court will have or when it will open<sup>73</sup>. It has been already announced, though, that the Court will be based in Bahrain, which provoked vivid reactions from human rights NGOs and activists, since the government of Bahrain has been repressing all forms of protests in the country since the beginning of the so-called “Arab Spring”.<sup>74</sup>

The organizations mentioned above are the ones who reached the strongest degree of institutionalization and concern regarding human rights, humanitarian aid and humanitarian law. That is not to say that they are the only ones to have done so. On a different scale, we can find some documents, protocols or bodies in other regional organizations developed exclusively to treat some of these issues. An example of this is the Commonwealth of Nations, which states that “good governance, strong democracy, rule of law, protection of human rights and respect for diversity” are among its most important values. Its French counterpart, the Organisation Internationale de la Francophonie goes further having created an institutional network to monitor human rights in participating countries and to help develop local and international organizations in defense of human rights.

In 2009, the Mercosul created the Institute of Public Policies on Human Rights, aiming to contribute to strengthening the rule of law through the design and monitoring of public policies on human rights. Among the main themes treated by the Institute we are the development of policies of institutional violence prevention and public safety, policies on memory, truth, justice and reparations, and policies on equality and no discrimination.

The South Asian Association for Regional Cooperation (SAARC) also adopted measures related to the protection of human rights and, more specifically, women and children’s

*Humanitarian practices are also an issue of concern for the Asia-Pacific Economic Cooperation (APEC).*

rights. The two most important conventions adopted by this organization regarding human rights are the SAARC Convention on Combating and Prevention of Trafficking in Women and Children for Prostitution<sup>75</sup>, and the Convention on Promotion of Welfare of Children<sup>76</sup>. The human rights discourse is also adopted by the Commonwealth of Independent States (CIS), more specifically in the Convention on Human Rights and Fundamental Freedoms, formulated on 1995. Nevertheless, the document was only ratified for four states. Other CIS countries, especially those who are already members of Council of Europe, did not sign the Convention since it was criticized for being more restrictive in matters of human rights than the Council of Europe's document. According to its official discourse, the CIS gives priority to the cooperation in the humanitarian sphere, through the Humanitarian Cooperation Council and the Interstate Humanitarian Cooperation Fund of CIS Member States.

Humanitarian practices are also an issue of concern for the Asia-Pacific Economic Cooperation (APEC), which, according to the organization website, experiences over 70 percent of the world's natural disasters. Concerned with the spill-over effects that those natural disasters can have on the economies of the region, this organization developed an emergency preparedness agenda. APEC's Emergency Preparedness Working Group (EPWG) was first established as APEC's Task Force for Emergency Preparedness (TFEP) in 2005. According to APEC, "now the EPWG continues to play a constructive role in enabling the region to better prepare for and respond to emergencies and disasters by helping to *reduce the risk of disasters and building business and community resilience*"<sup>77</sup>. The range of issues covered by humanitarian assistance provided by APEC goes from food security to earthquake safety measures. In 2011, during the APEC High Level Policy Dialogue on Disaster Resiliency, the organization debated the use of public-private partnership on disaster management, stressing the importance of promoting disaster resilient businesses and communities.

Following the same logic, the Southern African Development Community (SADC) developed a disaster risk management plan in the aftermath of the heavy floods that displaced more than a million people in Southern Africa in 2007. Since then, SADC established an annual meeting to mitigate disaster risk and, in 2011, it established a Disaster Risk Reduction Unit responsible for coordinating regional preparedness and response programs for trans-boundary hazards and disasters<sup>78</sup>. Even though the SADC has not developed a protocol on disaster risk reduction per se, at least three already existing protocols from this organization contain important articles on this issue: Article 2 of the Protocol on Politics, Defence and Security Cooperation states that the organization shall "enhance regional capacity in respect of disaster management and co-ordination of international humanitarian assistance"; article 25 of the Protocol on Health (1999) stresses that member states shall "(i) cooperate and assist each other in the co-ordination and management of disaster and emergency situations;

*The Southern African Development Community (SADC) developed a disaster risk management plan in the aftermath of the heavy floods that displaced more than a million people in Southern Africa in 2007.*

(ii) collaborate and facilitate regional efforts in developing awareness, risk reduction, preparedness and management plans for natural and man-made disasters; and (iii) develop mechanisms for co-operation and assistance with emergency services”; while the Regional Water Policy (1995) includes policy provisions covering people’s protection from water related disasters.<sup>79</sup>

## Conclusions

The description of the activities of regional organizations in the human rights and humanitarian field allows us to conclude that they have built similar institutional apparatus for governance and acquired a discourse with significant similarities.

Since the 1950's we can notice efforts by regional organizations to promote human rights, such as the European Convention for the Protection of Human Rights and Fundamental Freedoms, adopted by the Council of Europe in 1953. The OAS and OSCE also played an important role in establishing this trend as seen earlier.

The trend of developing institutions and mechanisms to provide humanitarian aid and respond to man-made and natural emergencies is more recent. The European Community- European Union was the first regional organization to develop a specific body for humanitarian practices with the creation of the ECHO in 1992. Other organizations only adopt this discourse by the end of the 1990s, as is the case with NATO, or the beginning of the 2000s as we have seen in the cases of ECOWAS and the OAS. In the past decade we can notice a significant development of this trend, especially due to increasing number of people affected by natural disasters, such as the 2004 tsunami or the Katrina disaster, and due to the greater acceptance of the climate change discourse.

The Human Rights discourse is today present in the documents of 11 regional organizations: the African Union, the Arab League, the ASEAN, the East African Community, the CIS, the Council of Europe, the EU, the OAS, the Organization for the Islamic Conference, the OSCE and SAARC. The African Union (African Peer Review Mechanism), the EU, the OAS, the Organisation Internationale de la Francophonie, the OSCE and Mercosul have generated some kind of mechanisms to monitor the respect for human rights. Courts on Human Rights are available in the African Union (African Court on Human and Peoples Rights), in the Council of Europe (European Court of Human Rights), in the EU and as part of the OAS system. The Arab League (Pan-Arab Court of Human Rights) is also planning on creating a court. These organizations have very different impacts on the political and social reality on the ground but this is a very impressive expression of the rules on regional governance discussed here.

Regarding humanitarian aid practices we have observed that the Asia-Pacific Economic Cooperation, ASEAN, CIS, ECOWAS, EU, NATO, OAS, OSCE and SADC have generated agencies able to tackle some form of emergency or crisis. The need to coordinate activities in this field and complement the work done by states has clearly become part of the worldview guiding regional governance by regional organizations. Moreover regional organizations have mostly incorporated the concept of resilience to their discourse.

Thus we conclude that regional organizations have been socialized as national and international organization leaderships perceive that in order to acquire a relevant role in international governance they must incorporate practices for the protection of human rights and humanitarian law and for humanitarian aid. The UN system provides a clear guidance in these fields producing the discourse and the institutional design model, although these are adapted to the specificities of each region.

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