



Ambassador Jeffrey L. Bleich – Human Rights Law Centre

**Remarks of Ambassador Bleich
at the Human Rights Law Centre, Melbourne
“Building Civil Societies”**

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Thank you, Rob, for that kind introduction. I’m grateful to you and to Blake Dawson for providing such a beautiful venue here. And thank you to Phil Lynch and to the Human Rights Law Centre for inviting me to speak with you today. It's an honor to join you all this afternoon.

As a diplomat and a former human rights lawyer, you might expect that I’d want to speak today about a specific human rights treaty or U.N. resolution, or describe human rights abuses in a particular nation, and the legal or government actions we need to take. But I’d like to start with a different idea. And it is this. Despite our love for the law, our best laws are only as good as the society that creates them. Law is not enough; we must also invest our energy in civil society.

And so today I’d like to talk first about the limits of law and what we mean by civil society. Then I’d like to talk about some of the challenges to civil society, and how the U.S. and other free nations like Australia are helping address them. And then finally, I’d like to speak about what you – as defenders and supporters of human rights – can do beyond the law to help sustain civil society.

The Limits of Law

I began my career as a constitutional lawyer and a human rights lawyer, and so I have read many constitutions from many countries, and their human rights documents. There are nations today in this world with beautifully written Constitutions guaranteeing their citizens the most cherished of human rights. And yet, the words are empty, and the promises meaningless. People in those countries have no faith in their institutions to deliver those rights. And none of us – as free citizens – would want to live in those countries today.

What those nations lack is something more basic than laws, or treaties, or resolutions, which allows human rights to exist.



Ambassador Jeffrey L. Bleich – Human Rights Law Centre

Diplomats call it civil society. Religious leaders might call it community faith. Sociologists call it the “conscious of communities.” But most of us just call it “trust.”

It is simple trust – the trust that others ultimately feel as we do and want the things that we do – that is the basis for the rule of law in any society.

Let me give you a couple of examples. Many of you probably drove here today. And the reason you arrived here alive, is because the people who were driving in the opposite direction didn’t drive across the center line head on and kill you.

Now when you were driving, you probably didn’t think, “thank goodness everyone on the other side of the road is law-abiding and doesn’t want to get in trouble with the police, or else they’d all be plowing into me.” You assumed that they wouldn’t drive into you because they value their lives just as much as you value yours, and that they just want to get to their destination just the way that you want to get to yours.

The yellow lines in the middle of the road exist not because we want to kill each other. Governments haven’t drawn them as some sort of demilitarized zone. The yellow lines are a reflection of our collective will to protect one another. We all want to get to our destinations without accident or injury, and we ask our government to help us do that. Government drew the lines as a way of reflecting our common will, our common desire to live and to travel freely.

Let me give you another example.

I’m sure a lot of you fly a lot. I do too. I’ve seen people do lots of strange things on airplanes, but there are certain social codes that I’ve never seen broken. For example, I’ve never seen someone clip their toenails on the plane. I hope none of you have either. That’s because everyone knows that it is disgusting. We shouldn’t need a special federal regulation or treaty to forbid toenail clipping on planes. We do this voluntarily. We do it as a courtesy to others. We do this as an act of personal responsibility, recognizing that others would find it just as disgusting and offensive as we do. So if we come to a point where so many passengers start clipping toenails that we have to pass laws to stop it, it diminishes all of us. It means that too many of us, too many times, have failed to live up to our better selves.

This principle – that civil society makes laws, rather than laws make society civil – is true on a global level.

We live in a complicated world with limited resources, and different nations with different cultures and traditions and languages drawn ever closer together by technology. Conflicts and disagreements are inevitable. And yet, we have created large zones of



Ambassador Jeffrey L. Bleich – Human Rights Law Centre

peace and prosperity in this world through nothing more than good behavior and mutual voluntary agreements – not laws or force. Every day we work with other nations to reach agreements, forge rules of engagement, and work with multilateral organizations to peacefully resolve disputes.

My point is this: as human rights lawyers, we're trained to believe that legal rights are what protect us; but the thing that protects us most is a common regard for one another.

Like you, I believe deeply that the law is a great force for good. But that belief is coupled with the knowledge that laws exist because something is lacking in a society. Most laws exist because the social codes that hold us together were not strong enough. We shouldn't need a law against littering; if everyone just picks up after themselves we leave the earth clean. When we have so much litter that we need a law to stop it, it means that the bonds of civil society have weakened. That is why one of America's founders, James Madison, said: "If men were angels, no government would be necessary."

So in advancing human rights it is not enough merely to advocate the law, more fundamentally we must also strengthen the better angels of our nature. What makes our nations good and great is first and foremost, our civil society. We create government and law as a reflection of our best selves, and to protect us from our worst selves.

The State of Civil Society Today

Now let me talk a bit about civil society today. The world has of course witnessed the power of civil society during the recent people-powered revolutions in the Middle East and North Africa. Regular men and women who for years had been afraid to speak out, one day simply let go of their fear and rediscovered their trust. They came together with others, activists, NGOs, congregations, unions, writers, neighbors, reporters, to pursue a better life together. Can anyone here name the leader of the Tunisian uprising? It's okay that you can't; because there was no leader, or group of leaders. It was simply the people reaching out to one another.

However, we've also seen how fragile civil societies can be. In Syria, we've seen the initial flowering of reform pummeled by violent force, and people being driven underground. U.S. efforts to sanction Syria for this have so far been thwarted in the Security Council, and so the Syrian Spring has yet to bloom. In Afghanistan, we've seen the signs of a civil society being reborn, but this remains a battle. We see the Taliban's brutal attempts to deprive women of their rights, to disrupt the education of children, the building of roads, and the creation of businesses.

In both of these cases, the goal of the Syrian government or the Taliban hasn't been simply to punish reformers. Their real focus is on civil society – to break people's faith



Ambassador Jeffrey L. Bleich – Human Rights Law Centre

that they can actually change their destiny. The attacks and repression are designed first and foremost to shake people's trust and confidence that ultimately they have the power to improve their own lives.

This is the greatest danger to human rights – when people lose their sense of trust in others to do what is right. The battle ground is always in the institutions of civil society. For those of us who lived through the struggle to end apartheid, to bring down the Berlin Wall, to bring lasting peace to Northern Ireland, or many of the other great events of the last half-century, in every case we all recall the grinding pessimism of those who opposed change. These were the people who said it could never happen – or worse – that any attempt at change would only make matters worse. The status quo was unshakeable, and people would lose their will. But in each case, the institutions of civil society managed to stay firm. The people of East Berlin tore down the Berlin Wall. The Catholics and the Protestants in Northern Ireland ended the bloodshed. And black South Africans ended apartheid and elected a government that represented all of the people.

The great South African Supreme Court Justice, Albie Sachs, put it best. He said: “All great social change is impossible. Until it happens. And then it was inevitable.”

But it can't happen without the belief of the people in one another and in their institutions.

Here in the Asia-Pacific we've seen an example that is even more recent and closer to home. Here, and around the world, after the overthrow of Suharto in 1998, many predicted that Indonesia would be the next Balkans. They said Indonesia would be ripped apart by violent internal divisions among hostile factions. If you don't believe me, just Google “Indonesia” and “Balkans” and look at the news reports from that time.

But the Indonesian people, and their civil society organizations, have worked to press politicians to play by the rules, to keep their promises, and remain accountable to voters in the periods between elections. Since 1998, Indonesia has achieved four peaceful electoral transitions. Despite all of the challenges, and all of the fears of conflict and political ruptures, the people of Indonesia have kept their young democracy strong: with a free press, fair elections, and processes for holding government accountable. And they are not alone. The same networks of lawyers, journalists, business people, teachers, NGOs, faith leaders, government officials, labor, and others did the same thing in Poland, Peru, Ethiopia, and today in the Middle East.

Voice for the Voiceless

One of the principal roles of human rights defenders is to give voice and oxygen to civil society groups where they are still ruled by fear. Today, we still see too many countries



Ambassador Jeffrey L. Bleich – Human Rights Law Centre

where trust has been overwhelmed by fear. These are nations with structures that allow governments to suppress civil society and abuse their citizens. Burma has been one of those nations. In her Nobel Peace Prize acceptance speech, the Burmese activist, Aung San Suu Kyi, called to the free nations of the world with a simple plea. She said, “Please use your freedom to promote ours.”

Australia and the U.S., our leaders and our people, have responded to this call to promote civil society in Burma. We’ve condemned the deeply flawed elections last November in Burma, and our governments have applied sanctions to the Burmese government. But our people as well – journalists, lawyers, NGOs, activists, donors, they have acted as well. We have all joined together in calling for Burma’s government to release its political prisoners; to cease all violence against ethnic minorities; and to establish real and open dialogue with ethnic groups and opposition leaders. And in doing this, we’ve let the people of Burma know that they are not alone – that others strive for the same things that they strive for.

This year, we saw some effects. We saw Aung San Suu Kyi released from detention, and we are now seeing the very first signs of reform and dialogue. These are good signs. The Government of Burma eased certain restrictions on media. It undertook some modest economic and banking reforms. Burma recently submitted new laws related to labor rights and peaceful assembly for consideration in Parliament. Perhaps most encouraging, in response to civil society groups protests, President Thein Sein announced a couple of weeks ago that the Burmese Government will suspend its construction of a major dam project because it was “contrary to the will of the people.” And then Burma this week announced that it will release an unknown number of political prisoners who do not threaten the stability of the state.

But this remains only the start. The prisoners have not yet been released, and the bills have not been passed and enforced. The pressure must remain on for there to be true progress. Although President Sein has promised reform, those promises must still be translated into concrete action. But for the first time in many years we see some potential for there to be genuine steps toward democracy and true civil society in Burma.

The same story is happening with our response to the military coup in Fiji. Our governments continue to collaborate in applying sanctions and political pressure against the Coup’s leaders. We demand that the regime in Suva stick to its pledge to hold free, fair and inclusive elections in the next three years. Until that day, when a free and democratic Fiji can choose its own leaders, enjoy a free press, and trust its government to let civil society flourish, we in the U.S. and Australia and other free nations must give voice to their voiceless.



Ambassador Jeffrey L. Bleich – Human Rights Law Centre

A second role for defenders is to stay vigilant against attempts by government to roll back the things that allow civil societies to function – free press, rule of law, freedom of travel, and free communication channels. Cambodia today has a civil society that is one of the most vibrant in the region. But last December a draft law was circulated that could restrict the ability of NGOs to work and function independently. Many of the groups at risk under this law have been instrumental in delivering key services like education, healthcare, sanitation, protection of natural resources, and rural development. This type of proposed “NGO Registration law” is often a first step used by governments to crack down on groups that challenge government policies. In just the past two years, we’ve seen similar attempts in Ethiopia, in Uganda, and in several Latin American countries and other regions as well.

The United States and Australia have joined with the UN Special Rapporteur on the Situation of Human Rights in Cambodia Surya Subedi in urging the Government of Cambodia not to proceed with the draft NGO law. We do this because human progress depends on the ability of civil society organizations, and their members, to operate freely inside their country.

Civil Society 2.0

A third role that we can play as human rights defenders is in giving civil society new ways to develop. The President, Secretary Clinton, and all of us serving in diplomatic posts, have rededicated ourselves to promoting civil society by helping others employ the latest tools. Facebook, Flickr, Twitter, You Tube – these empower people. They allow anyone, even people in repressive societies, to connect with anyone else. As Secretary Clinton put it, having the freedom to connect to the Internet “is like the freedom of assembly, only in cyberspace.”

We all know about Tunisia and Egypt, but consider some other examples. In Jordan, a single activist launched a workers’ rights campaign with her mobile phone, reaching 120,000 people instantaneously. In Colombia, an unemployed engineer used social media to bring together more than 12 million people in 190 cities around the world to protest against the FARC terrorist movement. In Mexico, a private citizen used e-mail to mobilize over 150,000 people to demonstrate against drug-related violence. And in India, after the terrorist attacks in Mumbai, a 13-year-old boy using social media organized massive blood drives for the victims, potentially saving dozens of lives.

So part of promoting human rights is promoting civil society in cyberspace. Secretary Clinton calls this Civil Society 2.0. Our State Department actually helps grassroots organizations around the world use digital technology to tell their stories, build their memberships, and connect their communities. We offer experts to help organizations create digital platforms. And we host “TechCamps” in cities around the world that



Ambassador Jeffrey L. Bleich – Human Rights Law Centre

providetraining, support, and online resources for non-profits. These efforts let groups reach new audiences, and they make civil society organizations more informed and more effective. This message has been the same regardless of how big or small, how weak or how strong, a particular nation may be. During his visit to China in 2009, President Obama defended the right to connect: the right of all people to freely access information.

We are also supporting NGOs, no matter how big or how small. In fact, we are giving special consideration to the small NGOs. This year the United States, Australia, and other international donors launched the “Lifeline Fund.” This new fund is designed to help local NGOs and civil society groups avoid being put out of business by abusive regimes, that try to lock up or abuse their members, or take and destroy their property. It gives funds to these groups to get the legal representation they need, to provide transportation to and from prison, to pay their medical bills, and to replace damaged and confiscated equipment. These are not large sums but they make all of the difference. Sometimes the most valuable things in society cost the least.

Finally, we need to make sure that all voices have equal access. As the United States and Australia know, you cannot have vibrant civil societies if half the population – the female half -- is left behind. In too many countries that is still the case. Women's participation isn't just the right thing to do, it is essential for good governance, the rule of law, and economic prosperity. That is why next month in Canberra, AusAID and the U.S. State Department will convene to focus on promoting women's empowerment in the Pacific region.

But let me reiterate. Government efforts to promote civil society aren't enough. Individuals are the key to renewing and restoring civil society.

The Responsibility to Defend Not Just The Law, But All Civil Society Institutions

And this brings me to my final point.

The strength of civil society depends on each of us to advance the institutions that give human rights meaning.

Those of you here who defend human rights must continue to advance the law. Those laws protect citizens from abuse, and they protect you from abuse. No country can be fully free unless its human rights defenders are given their rights. The rule of law must protect an activist's views even when they are unpopular. Indeed, especially when those views are unpopular. Laws must be there to allow you to ask hard questions, reveal hard truths, bring the guilty to justice, and protect yourselves from injustice.



Ambassador Jeffrey L. Bleich – Human Rights Law Centre

But even more important than generating and defending human rights laws, is our common duty to generate and defend trust. Every day, even in our own societies, there is pressure not to trust. In the U.S., we're sometimes told we shouldn't bother trying to heal disputes between different races, or factions, or nations because their grievances go back so many generations; that they are beyond trust. They simply will never get along. We're told it is futile to even try.

There are those who argue that we can't do anything about climate change, because you can't trust scientists to tell the truth, and – even if they were telling the truth – you can never trust government to ever do anything right. We're told not to trust our government, not to trust the media, not to trust lawyers, not to trust our defense forces, not to trust our corporations, not to trust our unions, not to trust our religious leaders. We're told they are all corrupt. And each time any of them makes a mistake, or any one of their leaders disappoints us, it is heralded as proof that these institutions are the problem, not the solution.

But this has never been true. These are *our* institutions, *our* civil society's institutions. If we lose trust in them, it means we've lost trust in ourselves. As Ghandi said, "You must not lose faith in humanity. Humanity is an ocean; if a few drops of the ocean are dirty, the ocean does not become dirty."

So I urge you to test and to challenge your institutions, but I also urge you not be cynical. I urge you to also trust. It is too easy to join the chorus and complain that social institutions are bad, that they should be shrunk, that we should starve them and weaken them: whether it is media, or government, or business, or unions, or whatever the institution is that is being bashed that day. But all of those institutions exist for a reason; we created them for a reason. And if we withdraw from and abandon those institutions, we diminish ourselves.

So if we truly care about human rights, when we hear people urge us not to trust, we have to challenge them. We must work to make the institutions better – not weak and useless, but stronger and more accountable. Abolitionists who brought an end slavery, suffragettes who secured the right of women to vote, laborers who won the right to organize -- they did not abandon civil society; they invested their heart and soul in it. As Margaret Mead said: "Never doubt that a small group of thoughtful committed citizens can change the world – indeed it is the only thing that ever does."

Thank you.