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INTRODUCTION

Symposium: Science in the Service of Human Rights and International Law

Thursday, May 22, 2003

Welcome

**Werner Stauffacher, President, Council of the Swiss Scientific Academies
Harald Reuter, Professor of Pharmacology Emeritus, University of Bern**

Werner Stauffacher – I am pleased, ladies and gentlemen, to be here and to have the honor to welcome you in the beautiful Ticino, as you have been able to see it since yesterday, particularly those who arrived from Zurich or from Basel, where, I can assure you—I just heard from my wife—it is still raining.

I should like to thank you for having chosen our country for the venue of this conference. This is an honor for us in Switzerland, to have you here. In particular, it is an honor for Professor Harald Reuter, who, all by himself, has, in 1998, achieved the task of creating the permanent standing committee of the Swiss academies, the Council of the Swiss Academies for Human Rights—all by himself. He is responsible for the fact that we now are a member of your network and that we are accepted in it. Thank you.

You may wonder why Switzerland has and why Switzerland needs a Council of Scientific Academies and why this council is concerned with human rights. The answer is very simple. Switzerland has four academies for human, natural, medical, and technical sciences. When they had to decide, they preferred to have that state rather than to form a single national academy of Switzerland. Instead, they decided to form a council to take care of issues of common interest and to represent the four Swiss academies and Swiss science internationally where one academy is recognized only per country, as this is the case in your network.

Thus, CASS, our official name—the denomination stands for the original French version of our council's designation: Conseil des Academies Scientifique Suisse. The council was founded in 1981, as is indicated here, by the four Swiss academies of sciences. The aim was, as is stated down here, to promote collaboration and, of course, interdisciplinary research, but, and most importantly, as I just said, the council should represent Swiss science as a whole, at home and abroad, whenever this is necessary.

The organizational structure of the council is rather straightforward and simple. It consists of a president's council, consisting of the presidents of the four academies and their general secretaries. This is sort of the administrative core of the whole council.

This core is responsible for administration, for finances, and everything. Finances, I must say, come exclusively from the four academies. The council itself does not obtain any support from the government or anyone else.

Then it has the scientific council, which is the largest body, but consists only of 20 people, 5 people from each academy, scientists. They are responsible for the discussions of core issues, or sometimes, if the council wants to become public, for becoming public.

In addition, down here, there are a varying number—currently there are three—of permanent commissions, so-called CASS committees or CASS commissions, reporting to the council as a whole rather than to the four individual academies. That is where you come in, where human rights comes in.

The permanent standing committee for human rights in science was founded, as I said before, on the initiative of Professor Reuter some years ago. This is why I have the honor of welcoming you here today.

I have heard a lot this morning about the rich and varied history of Monte Verita, the Mountain of Truth, as we have heard many truths, and also wild beliefs and original fads. You have heard about the Dadaism of Hesse, of vegetarianism, nudism, and even of anarchism (I think that was the last one). You have also heard that this place seems to be full of stimulating magnetic fields. That is why I find it fitting that you should have come here in order to discuss a topic as universally accepted and embraced around the world, but at the same time, as often disregarded and forgotten by the very same people as are human rights.

But I feel that, for as long as scientists from around the world, from diverse countries, cultures, religions, and even from different ideological horizons—as long as scientists meet to debate as to how they may best serve human rights, as long as this happens, there is probably hope that in the not-too-distant future the time will come to an end when around the world, governments and decision makers alike, and also—and let's not forget this—people like you and me, around the world, regard human rights solely as something for others to observe and to live up to, and not ourselves. I hope that if people like you around the world continue debating about human rights, we may one day get there.

Looking at your program, I assume that you are in for interesting and probably also heated, and possibly even controversial, debates and discussions. Do not forget, this is what it should be like among scientists, in order to achieve progress for human rights and for humanity as a whole. Therefore, I hope you will succeed, and I wish you lots of good luck for the next two days.

Thank you. I now pass to Professor Reuter.

Harald Reuter – Thank you very much, Werner, for your very kind words, which I don't think I really deserve.

It is my pleasure to welcome all of you to this symposium, in the name of our Committee on Human Rights of the Council of the Swiss Scientific Academies.

When our committee was asked two years ago to organize the sixth meeting of the International Human Rights Network, the world was still different. We could not predict the impact of terrorism and war. Now more than ever, the international scientific community must help to foster respect for human dignity and human rights. International law is not a piece of paper that can be used as pleased, but it sets a framework for peaceful interaction among people.

This symposium is devoted to these questions. We must realize and respect differences among people, be they cultural, religious, ethnic, or otherwise. Curiosity about the unknown and tolerance should be hallmarks of scientists around the world. I am happy that we could meet this year at a spot that has a long tradition in tolerance and service to science.

I wish to express my sincere thanks to the Council of the Swiss Scientific Academies, to our members of the Committee on Human Rights, to the Centro Stefano Franscini, notably Mariana Berger—I don't know whether she is here—and to our staff, Christian Peytor, Gabriella Indamuehler, and Francesca Marti, for their strong and generous and enthusiastic support to organize this meeting. Of course, the meeting would have been impossible without the consistent care, effort, knowledge, and devotion of our executive director, Carol Corillon. Thank you for making this event possible, and hopefully a success.

Thank you all for taking the effort of coming to Ascona. I hope the sun will shine with us for a little while more.

Overview

Torsten Wiesel, Secretary General, Human Frontiers Science Program; President Emeritus, The Rockefeller University

Many of you know that the main purpose of the network, as it was conceived initially, was a question of having an international voice in support of our colleagues who are imprisoned either for their political point of view or because of their organization of human rights associations, et cetera. That was the initial objective.

The classical cases that I can think of are Sakharov, obviously, and I think the more recent case with Saad Ibrahim in Egypt. Now the case that we have very much in the front of our minds is Dr. Que from Vietnam, who, again, is a person of similar quality and stature to the other two I mentioned.

We have in more recent years, perhaps, been trying to help individuals who have been arrested not because they are human-rights advocates or have political points of view that are not looked upon with favor by the government—and in some ways, you can think about, perhaps, somebody like Nikitin in Russia, who was reporting, as you know, about the nuclear proliferation from submarines, the distribution, supported by a Norwegian foundation, who was not really doing this as an advocate of human rights, but more as a scientist who felt that this was a danger.

Then another case from the United States is the Wen Ho Lee case. You remember, perhaps, the computer scientist in Los Alamos who was arrested by the government because he was accused of having given secret information to China. That was a long fight before he was released by the government and not sentenced.

These are, to my mind, different cases. I think our committee should be open to both types of situations.

The other activity that we have more recently been involved in has been to make statements about international issues. The most famous one was perhaps the letter signed by the executive committee about the moratorium that came out of Europe to interrupt all scientific collaborations between Europe and Israel. Many of us felt very strongly that we, as scientists, have a community that is not political, we want to collaborate and work together, and this was not in the best interests of human rights and peace in the future. That article actually had some impact, I believe. Bob May read it and he saw to it, at the Royal Society in England, that it was published in *Nature*. So it became quite widely known.

As you know, we wrote a letter to all of you in the network about the Palestinian academy that was destroyed. That also had an impact, with the help of the Israeli academy. The army, a few months later, visited the Palestinian academy and apologized for the destruction that had been caused.

So these are issues that I think we will probably meet in the future, where the network can play an important role. All of you should keep contact with the secretary and raise issues that you think would be of importance, where we could play a positive role.

In our discussion that will come up later during the workshop—and we discussed that in Paris, and also before that, in Stockholm, and before that, in Rome—has to be, what role should the network play in education, that is, to try to see to it that human rights is part of the curriculum within schools, in which one can sort of be helpful in trying to see to it that the young minds are not being brainwashed in a certain direction, but see to it that our young have the opportunity to have open minds to various issues? That is more difficult, because we are not really set up for that. So this is something that we haven't acted upon in a serious way, but perhaps, depending on the input that we have from all of you, we will have to consider that.

You will hear later today in the discussion about Israel and Palestine that there is an issue here that the executive committee feels is worth our support. It has more to do with education and research between Israel and Palestine.

So these are these issues. Without becoming a political organization, which I think we should not, there still are opportunities for us to play a constructive role in various situations.

I think this symposium this afternoon is a reflection of the broad outlook we have on various issues. As you know from the program, we are going to deal with a lot of philosophical, social, economic, and legal issues, as well as some case situations. I think we will listen to our speakers this afternoon with great interest. I hope there will be opportunities for some discussion and questions during the afternoon. I personally look forward very much to listening and learning.

Tribute to Memories of Max Perutz and Karl-Eric Knutsson

Carol Corillon, Executive Director, International Human Rights Network of Academies and Scholarly Societies
Torsten Wiesel (Nobel Laureate), Secretary General, Human Frontier Science Program; President Emeritus, The Rockefeller University, U.S.A.;
Network Executive Committee Member

Torsten Wiesel – I thought perhaps this would be an appropriate time to memorialize Max Perutz and Karl-Eric Knutsson, as members of the network. Many of you knew Max Perutz, who was a founding member of the network, who not only was a brilliant scientist and a refugee himself, but who sort of, with this experience as a background, became one of the leading individuals in fighting for justice and human rights. As you know, he wrote many articles in various publications, where he, in his very personal style, advocated for justice.

I think the person, probably, who was closest among us here to Max was Carol Corillon. They had rich exchanges with each other. She went to his memorial service. Maybe, Carol, you could say a few words.

Carol Corillon – I guess I should start off by saying that Max was probably one of the most endearing men I have ever met. Before I met him, I knew him as “that man who wrote for the *New York Review of Books* with a very wicked pen,” so I was very careful not to get on his bad side.

He was wonderful on the network. He was a founding member, as you all know, and he was totally dedicated to it. He wrote letter after letter in response to every urgent action request, and they were all written by hand, in his beautiful, perfect handwriting. Our files are filled with his letters. He wrote to government officials, he wrote to the prisoners themselves, and he wrote to the families of the prisoners, giving them support, asking them to stay strong. He never tired of it.

We asked him to sign a number of petitions to UNESCO on behalf of individual scientists. He always said, “Send me a draft.” We would send him a draft, and the draft would come back, every spelling error corrected, every comma, every grammatical point explained, as to why I should have said “that” instead of “which.” He was meticulous about it.

He also loved people. He loved life. He was full of energy and joy. He treated everyone equally.

We knew that he was dying. I went to the office one morning and there was an e-mail waiting for me. He said, in his very subtle way, “It would be lovely to have a visit.” So, as you can imagine, I went on the next plane to Cambridge. He was in terrible pain,

but he was getting visits from people all over the world who loved and admired him. He said then, “These last few weeks have been, really, the happiest I’ve had,” because he was able to reminisce, he was able to meet people he hadn’t seen in years, who all came to visit him.

We dedicated this publication from the Paris meeting to Max. It is available downstairs. In the end of it, we talked about how he was outraged by injustice and really appalled by brutality, that he pulled no punches, and he fought the good fight for the promotion and protection of human rights with an energy and a fervor, to the very end of his life. So we can best honor his memory by picking up where he left off and continuing his struggle for justice and equality and human rights.

Wiesel – Professor, would you like to say a few words?

Participant – Thank you. This is an impromptu response to a tribute to Professor Max Perutz. His work all over the world, scientifically and for human rights, is well-established. But I thought one tribute that I am privileged to give today is that I stand before you as one of the many great scientists that Max himself had encouraged all over the world.

It was in 1962 that Max got the Nobel Prize. I just read the article. I was a student. I did not know I would end up with a lifetime of walking in the same field with him, for which he encouraged me far back in Africa. I turned, when I was searching for a research topic, to remember the article I read about Max in 1962, when I was a first-year student. That year he got the Nobel Prize. So when they asked me what I would like to do, I said hemoglobin, because he had described how beautiful the molecule is.

He continued stimulation in other students at symposia and fora all over the world. He particularly chose a special interest in the laboratory which was developing . . . and for which we became a very worthy member of the hemoglobin group all over the world.

I first met Max in Interlocken in 1970, after I had finished my work. He was giving a lecture. I then challenged whether the x-ray structure was the result of a picture. Because of that question, he took me to lunch, so it was plain to me how the diffraction pattern had been used in guessing the structure.

Throughout his life, he would continue making telephone calls to every student in our lab.

What I am saying is typical of what Max had done in every continent all over the world, building groups of capacity, even where he had not taught. We tried to encourage him to visit Africa, but he was not able to. The last that I interacted with him was at . . . in the year 2000, when he was addressing the topic of how to build curiosity among the growing young scientists, how to build the next generation of Nobelists, without leaving any portion of the work aside.

I think it is in that tribute that I thought standing up before you as an embodiment of one of those Max might have stimulated would be a great tribute to him. Thank you.

Wiesel – Thank you very much.

As I mentioned, the second person we wanted to honor is Karl-Eric Knutsson. He was the representative for the Swedish Academy. Those of you who were in Paris remember him, surely, as an excellent spokesperson for human rights. He was the chairman of the Swedish Committee for Human Rights. He has yet been irreplaceable in that capacity. He died of cancer quite recently. Being a Swede myself, I feel a special sadness over his departure. His colleagues in Sweden feel also a great loss.

We have a Swedish representative, Astrid, who wanted to say a few words in his honor as well. Astrid is an observer from the Swedish Academy. Since Karl-Eric hasn't been replaced, Astrid was kind enough to come here, to report to the academy.

Astrid Auraldsson – Karl-Eric was the chairman of the Swedish committee, and it will be very hard to replace him. I would like, as the secretary of this committee, to just express our sadness about the loss of Karl-Eric. I am personally very happy that I got the opportunity to work with Karl-Eric. He was such an open-minded and enthusiastic person. The Swedish committee will do its best in order to keep up all the good work that Karl-Eric initiated.

Thank you.

Wiesel – Thank you very much, Astrid.

It seems, perhaps, appropriate if we could have a silent minute for these two individuals who fought for human rights.

[A moment of silence was observed.]

Thank you.

Freedom, Science, and Human Dignity
Joerg Paul Mueller, Professor Emeritus of International Law and Philosophy of
Law, University of Bern

I feel it is a big honor to speak to you about such an important thing as freedom of science and human dignity. I do not always find the right way between being too specific as a specialist in international law and human rights issues and philosophy of law, and the danger of being too general and just to repeat what other members of the network have said already, in very impressive words. So just let me try to give you some stimulation, at least, in the coming half-hour.

Human dignity can be seen as the center of the whole idea of human rights. In its classical formulation, as a term of the philosopher Kant, man has not a price like merchandise, but a dignity, a value which never can be measured in terms of money. Dignity is not only a characteristic of mankind, of the human species, but of every single human being because of its potential to reason. In this sense, Kant was egalitarian, like also saying every human being is able to reflect, to deliberate, to touch, to feel, if he or she wants, and to make use of this capability.

I am aware that there are also conditions of the social environment, education and the surrounding of a culture, which are decisive for the fact that a real man comes to realize all these elements of his reason or not. That is, in that capacity, his value as a human being stays for itself, without showing any product, result, effect.

In this potentiality of every single human being lies the foundation of the concept of human rights. This concept gives the right to everyone not to be hurt in his body or his psyche, in his privacy or family life, in his demand for nutrition or dwelling, and in the development of his professional and cultural skills. The concept of human rights starts from the idea that in a secular world, there is no obvious indication that one person or one group of persons should know better than any other what the good life, in private and in the social sphere, is. Everybody, on the basis of his or her experience, conviction, reasoning, has the potential to contribute by his voice, to communicate about the ways he or she considers best for the regulation and organization of social life.

Thus, in a democratic human society, human beings formulate together, in a deliberative process, the aims and means for social existence, for coexistence, and necessary cooperation.

A common definition of the freedom of science, or academic freedom, says that freedom of science means freedom of professors, teachers, and students to teach, study, and pursue knowledge and research without unreasonable interference or restriction from law, institutional regulations, or public pressure. Its basic elements include the freedom of professors to inquire into any subject that evokes their intellectual concern, to present their findings to their students, colleagues, and others, to publish their data and

conclusions without control or censorship, and to teach in the manner they consider professionally appropriate.

For students, the basic elements include the freedom to study subjects that concern them and to form conclusions for themselves and express their opinions.

According to its proponents, the justification for academic freedoms, as defined, lies not in the comfort or convenience of teachers or professors and students, but in the benefits to society.

Freedom of science, or academic freedom, is considered as a human right. Does a scholar really have a privileged position, a privileged status, in the human-rights order to freely exercise his research, to make his results public, and to teach them, or are all human rights equally distributed to all people? We can illustrate the question with an example from the science of medicine. Criminal law prohibits to injure the body of another person. A scientifically and practically trained surgeon, on the other hand, is allowed to do certain kinds of injury, not only because his intention is good, but also because he acts in a scientifically proved and recognized context, and on the basis of techniques and methods accepted by the academic community and by society at large.

Especially, modern European constitutions guarantee academic freedom besides the more general freedom of thought, of conviction, or of speech. As in freedom of art, there is a distinct section of cultural life which needs an additional guarantee against pressure by the state, by the government, by religious or economic or other groups. The strong emphasis, for example, in the German Grundgesetz, Deutschland Grundgesetz, on the guarantee of science reflects a notorious infringement of this liberty, by the authoritarian Prussian regime first, in the 19th century, and even more so by the Nazi regime, which tried hard to put science, like some art, in line with the Nazi ideology, in order to restrict the oppositional potential of science and art, and even to use their energies to strengthen the ideological totalitarian regime.

Today, as I see it, you find a guarantee of academic freedom, in one or the other way, in all modern constitutions, among the classical human rights. I want to focus on two constitutions especially, the one of the United States and the one of little Switzerland.

I studied a little bit the history of the United States constitution for this lecture and found the interesting fact that the first recognition of academic freedom in the jurisprudence of the U.S. is found in a case concerning Bertrand Russell. The City College of New York had appointed the distinguished philosopher to its faculty. A taxpayer filed suit because of Professor Russell's allegedly immoral youth. The judge, some days later, made a decision and announced, *inter alia*, "This court will not tolerate academic freedom being used as a cloak to promote the popularization in the minds of adolescents of acts forbidden by the penal law. This appointment of Professor Russell affects the public health, safety, and morals of the community, and it is the duty of the court to act. Academic freedom does not mean academic license. It is a freedom to do good and not to teach evil."

So was the decision of the New York State court in 1940. The judge revoked the appointment of Professor Russell, and two appellate courts declined a hearing by the board of education.

The first use of the phrase “academic freedom” in an opinion of the U.S. Supreme Court was only in 1952, and then only in a dissenting opinion by Justice Douglas. Justice Douglas wrote in his dissent in *Adler v. Board of Education*, “It is a special task of teachers to foster those habits of open-mindedness and critical inquiry which alone make for responsible citizens, who in turn make possible an enlightened and effective public opinion. Teachers must be examples of open-mindedness and free inquiry. They cannot carry out their noblest task if the conditions for the practice of a responsible and critical mind are denied to them. They must have the freedom of responsible inquiry by thought and action into the meaning of social and economic ideas, into the checkered history of social and economic dogma. This freedom is guaranteed by the constitution of the United States in its First Amendment against infraction by national or state government.”

In 1957, we find the first majority opinion which confirms academic freedom as part of the First Amendment. Chief Justice Warren spoke for the majority: “The essentiality of freedom in the community of American universities is almost self-evident. No one should underestimate the vital role in a democracy that is played by those who guide and train our youth. To impose any straitjacket upon the intellectual leaders in our colleges and universities would imperil the future of our nation. No field of education is so thoroughly comprehended by man that new discoveries cannot yet be made. Particularly is that true in the social sciences, where few, if any, principles are accepted as absolutes. Scholarship cannot flourish in an atmosphere of suspicion and distrust.”

Mr. Warren’s view here expressed was confirmed in another majority opinion in 1967 by Justice Brennan. This majority opinion has not been overturned until now. So we can say it is still valid U.S. constitutional law. Brennan wrote, “Our nation is deeply committed to safeguarding academic freedom, which is of transcendent value to all of us, and not merely to the teachers concerned. That freedom is therefore a special concern of the First Amendment, which does not tolerate laws that cast a pall of orthodoxy over the classroom.”

While the United States has generally been a bastion of academic freedom, its history has occasionally been marred by state legislatures’ requirements of loyalty oaths from teachers and professors, in efforts to guard against left-wing, particularly communist, political activities deemed disloyal or subversive of the national interests. The first loyalty-oath requirements began during the Great Depression of the thirties and in the anticommunist hysteria of the fifties. In the McCarthy era, they proliferated to an alarming degree. Many teachers who refused to take such oaths were dismissed without due process, and freedom of inquiry was seriously hampered. Many such requirements had lapsed by the sixties, not least because of the firm jurisprudence of the Supreme Court.

Let's reflect, what is the situation today in the United States? Our American friends may best know what the present situation is. I just want to focus beyond the U.S. and express the idea, in this scientifically well-protected ambience, that in times of uncertainty, fear, anxiety, suspicion, distrust, as we experience it today, patriotic loyalties may overflow and weaken the responsibility of a scientist, as a scholar, the responsibility he has towards everybody, towards mankind, because the very status of a scientific person is and has to stay a global, cosmopolitan one. I think one of the duties of this network is to look first that these patriotic feelings do not destroy, at the end, academic freedom to a dangerous degree.

We will discuss tomorrow some problems in this connection about the status of freedom of the scientists in the wake of measures to combat terrorism, the problem of self-censorship by scientists for political reasons, but also the responsibility of scientists in the prevention of acts of terrorism. It means invention, production, and development of arms of mass destruction, of arms which are utterly inhuman, like biological weapons, nerve gas, mines for destroying persons, et cetera.

Freedom of science does not mean a privilege to a particular group of human beings, but aims at the protection of a sensitive field of human culture. It is characterized by certain methods of thinking, working, and experimenting. In explaining these methods, let me simply refer to Karl Popper's definition, which is still relevant, as I think, though not exhaustive. According to Popper the scholar works with hypothetical assumptions, with assertions, formulas, and terms, which can be falsified. Taken seriously, one consequence of the falsification criterion is that any statement must, in the first place, be understandable. Understandable for whom? First, for the peers, for the colleagues, who will eventually falsify it. It has to be the result of a method of inquiry which can be followed and repeated by another scholar.

Let me mention a first element: consideration of the scientific method. The scholar is responsible for his research, for the method chosen, for the publication of results, for possible and foreseeable abuse. What means responsibility? In my view, responsible is a person who is able to respond or who should be able to respond. Every scientific finding is, so to say . . . to the worldwide community of scholars. They are asked, the scholars, to acquiesce or to protest in a scholarly way by arguments . . .

In this sense, science, in the large sense of the term, is a permanent communicative process or, more precisely, a discourse which is bound to certain rules of arguing, of making public, of openness to critique, and of admittance of possible errors. The scholar has to respond to criticism concerning not only the results or findings of his research, but also concerning his methods, and even the object of the inquiry. Let me explain.

Science is not an end in itself. It is part of human culture, this complex institution which embodies the fundamental roles and aims of human beings living together—today, necessarily, on a global level. The ultimate goal of all science was from the beginning, at least, of our culture to give man a better orientation about what he is, where he comes

from, and where he and his fellows are going to go. Science is a part of human practice, to help man to survive, to give meaning to his life, to find better ways of individual and social living, to calm human anxieties which are the price for his being conscious of his lonely existence within a vast universe.

I do not overlook that simple human curiosity might also be a powerful factor in the evolution of science, but this aspect, too, does not place science above the common necessities of human life. Compare curiosity as a human quality with his ability to fantasize. It is a good thing, too, fantasy, and it has to be fostered. But nobody is allowed to act out his fantasies if doing so damages the lives of others, strikes unnecessary fear into the population, endangers the future of the species. The fact that curiosity is, like fantasy, a natural gift of man, does not legitimize living it out to the detriment of others.

I want to say by this that a better life for man, a better human society, a better human wealth is the aim of every scientific endeavor. This aim also puts . . . to the legitimate objects scientists work on.

At this point, several convergences of the ideal of academic freedom and of human rights become significant. On a more conceptual level, we can say all the historically crystallized human rights have the same value. There is no hierarchy between freedom of thought, freedom from arbitrary arrest, or freedom of religion. The constitution of the modern state teaches us that liberal, social, economic, and political rights are strongly interrelated. You cannot, in the long run, have one right without the other, or oppress one in the hope of strengthening the other. This was an epochal truth of the declaration of the United Nations in 1948, which is a mixture of liberal, social, and participatory rights spread so powerfully over the world. Academic freedom can profit from the status of a human right only if it is seen in connection with and as part of accompanying human rights worldwide.

There are two ways in which science may be harmful to human rights. As I said, its research may be done on an object or by methods which violate human dignity. Then academic freedom, as I see it, loses its privileged status among human rights. Neither biological nor anatomical or social research may be done which brings unnecessary harm to a human being. In my understanding, the harm can lie in the immediate suffering of a patient with the object of too risky a medical experiment. The dignity of man can be touched by sociological experiments in which men are used like puppets who have no judgment and no will of their own, a problem which was widely discussed in connection with the Mildom (phonetic) experiment, which you may all know. Human dignity may be put into question when we experiment with embryos, stem cells, and with the technique of cloning, taking the risk of creating a new human being capable of feeling, thinking, suffering, and having joy, but facing the fact that it is not a new creation, but a copy of another being, created as such by the will of man.

As we move here in an area where our culture has not yet defined ethical standards, the scholar is asked to mobilize his own reflection, deliberation, because it is

next to the process which has to be judged. Responsibility also here means to give answers to the many colleagues and laymen who express fear of these things, or at least plead for a slower rhythm in the scientific process and its practice.

I think the scientist doing research with human embryos (other than *in vitro* fertilization, which is a more or less accepted procedure) has to ask himself questions like this: Can I stand up to the problems the human being will have who never had so many months of comfort of the womb of a woman, but more or less emerged from the laboratory? Can I, as a scientist, as a medical scholar, a biologist, frankly answer to a couple who agree that surplus embryos stemming from *in vitro* fertilization are used for scientific purposes, and whose embryos then develop in an unforeseen manner, with the uncertainty whether it is on the way to becoming a kind of human being or just will die as an unconscious cluster of cells?

You may have heard, just last week, that in Pennsylvania, there were new findings from a stem cell. An unexpected cell developed which had the potential of becoming an embryo itself.

As a lawyer, I have to ask, what is the value of such a couple's permission to experiment—that is, the permission of laymen who cannot fully understand the processes, possibilities, and risks involved?

I should come to the end, but then I will say some words as a conclusion.

This network you represent is proof of the worldwide existence of a scientific community which claims for itself and stands on its obligation to freely communicate with each other, regardless of national, religious, or ethnic frontiers. We are convinced that such a structure is a condition of further development of science and of the profits mankind will have of it. This very structure has not only the function of keeping these academic societies worldwide together, but it has two additional possibilities: First, it is a forum of highest credibility in the world today for having an open eye, an open ear, and an open voice towards the public at large, in order to signal violations of human rights by governments, pressure groups, religious and ideological social powers. Second, the global scientific community is part of a world getting small by new ways of communication and other techniques. The plurality of sovereign nation-states, which until now, at least, under the regime of the United Nations, has been the most important guardian of human rights, becomes fragile, and the new unilateralism which seems to take over the regime in international affairs seems not extremely eager or prepared to foster human rights as its primary duty.

So groups such as this network perform a very special and important function in defining and making real basic hopes of mankind in the field of human rights. This network is part of an emerging global public in which the needs and basic aspirations of human beings are formulated and put into a process of worldwide culture of human rights, without which not only man, but also the particular cultures he defends may be lost.

**A Quest for Human Dignity: Confronting Dehumanization and Prosecuting Rape
as a Crime against Humanity**

**Florence Mumba, Judge, The United Nations International Criminal Tribunal for
the former Yugoslavia, The Hague**

Thank you very much for your kind words. I wish to thank the organizers of this symposium for having invited me and for giving me this privilege and honor to address this august gathering.

Two weeks ago, I got a sore throat. After that, I got a cough. I think it is a blessing in disguise, because, as you all know, we judges talk too much, so this will limit my presentation.

You have noticed that the title of my discussion is fairly long. This is deliberate, because for victims of rape, it is always a long road to justice, if at all. My discussion this afternoon is dealing with a very, very important and belabored aspect of human rights affecting one-half of humanity, and that is women. We have not reached the stage where we have male victims of rape in great numbers, for us to start discussions about that.

I will limit my discussion mainly to rape in armed conflict, because these are the matters that the two tribunals, the tribunal for the former Yugoslavia in The Hague and the tribunal for Rwanda in Arusha, Tanzania, are dealing with, though my paper has gone beyond that. It has discussed the development of the women's struggle in human rights to recognize this aspect of criminal violence against women in the form of rape.

Prosecuting rape as a crime against humanity has become a reality. The war in the former Yugoslavia and Rwanda created an opportunity for the Security Council to pronounce rape as an international crime through the laws of war. It enacted, through the statutes of the two tribunals, a crime recognized in international law, and it did put rape on the list of crimes, rape as a distinct crime, which caused an outrage through the international community.

The jurisprudence of the two tribunals so far has sealed all these doubts as to how rape should be described or prosecuted and the way that rape should just be included among either inhumane acts or other crimes.

I will deal with rape in armed conflict because this is the very source of our concern at the two tribunals. A very specific context in which rape is committed is that of armed conflict. There have been wars since time immemorial, and the casualties of war have been numerous. The only change one can discern over the centuries is that there are now different means and methods of warfare, with the use of more sophisticated weaponry, as well as technology. But in terms of the people affected adversely by war, the category of women has remained constant. Women are in a peculiar position,

wherein, by virtue of their sex and gender, they are very often made the targets of violence during an armed conflict, to harm not only them, but also to affect the whole community. Hitherto, there has been very little recognition of the widespread nature and gravity of this problem.

The rape of women during the course of armed conflict is committed not only by the enemy soldiers, but also by soldiers on the same side. This has long been seen as an inevitable byproduct of war and armed aggression, and has been ignored for centuries. The rape of women is seen more as the defeat of men of the community and their failure to protect their women. This is one of the reasons for its widespread use in times of war. According to the Special Rapporteur on Violence Against Women, to rape a woman is to humiliate a community.

Another reason for its rampant use is that this is seen as one of the spoils of war, especially so when mercenaries are employed in a conflict.

At the 1993 Vienna Declaration and Program of Action adopted by the United Nations World Conference on Human Rights, it was confirmed that violations of the human rights of women in situations of armed conflict are violations of fundamental principles of human rights and humanitarian law, and that they require a particularly effective response. The adoption of the General Assembly in December 1993 of the Declaration on the Elimination of Violence Against Women recognizes that women in situations of armed conflict are especially vulnerable to violence. Violence against women in armed conflict, which takes the form of rape, sexual slavery, and forced pregnancy, is hit by human-rights law, as well as international humanitarian law.

In the human-rights arena, this is echoed by the ICCPR, as well as the Convention against Torture and Other Cruel, Inhuman, or Degrading Punishment.

Historically, rape was seen as a crime against honor or a war strategy. Women are targeted during times of conflict. The looting and violence associated with disturbances throughout history include violence against women, wherein rape was used as a means of terrorizing the civilian population and maintaining military and social control. The crime of rape in war was given license to encourage soldiers and not to diminish their morale. But even worse was when it was used as a tool of policy, such as forced prostitution in many war-ravaged countries.

In ancient times, there was a prohibition of these crimes by the laws of war, and they were even to be given capital punishment under state and national codes, such as those of Richard II in 1385 and Henry II in 1419. Article XLVII of the Lieber Code punishes those responsible for the rape of inhabitants of a hostile country. But these laws were seldom adhered to, and wartime rape was commonplace and widespread.

The Nuremberg Charter does not deal with the issue of wartime rape, even though the prevalence of sexual violence during the Second World War was widespread. This was altered in the International Military Tribunal for the Far East, the Tokyo Tribunal,

which tried Japanese civilian and military officials for tolerating violations of war and war crimes, which included the crime of rape. The occupying powers included rape as a war crime in the charters of the international courts set up to try offenses committed in Germany, although no prosecutions were ever undertaken on this basis.

As we say, you can have laws written on a piece of paper, but they need to be activated. This was, unfortunately, the case then.

The four 1949 Geneva Conventions and the two 1977 Protocols are the main instruments protecting the victims of armed conflict and contain some provisions that are especially relevant to women. Overall, the aim of the conventions is to provide special protection for pregnant women, nursing mothers, and mothers in general, and to address the vulnerability of women to sexual violence in times of armed conflict. Common Article 2 of the Geneva Conventions stipulates that the conventions are to apply in addition to the provisions that apply during times of peace. This would mean that there are means to provide additional protection to women in the situation of armed conflict, along with international safeguards available under human rights and legal systems.

Like all civilians, women are protected both against abusive treatment by the party to the conflict in whose power they find themselves and against the effects of hostilities. In an international armed conflict, women are among the persons protected by the Fourth Geneva Convention regarding the protection of civilian persons. Under these conditions, they are protected by all the provisions which state the basic principle of humane treatment, including respect of life and physical and moral integrity, particularly forbidding coercion, corporal punishment, torture, collective penalties, reprisals, pillage, and the taking of hostages.

Article 27, paragraph 2 of the Fourth Geneva Convention contains the first provision specifically dealing with rape and requires that “Women shall be especially protected against any attack on their honor, in particular against rape, enforced prostitution, or any form of indecent assault.” This provision was introduced to denounce certain practices that occurred during the Second World War, when innumerable women of all ages, and even children, were subjected to outrages of the worst kind, rape committed in occupied territories and other forms of brutal treatment. In areas where troops were stationed or through which they passed, thousands of women were made to enter brothels against their will. Now these acts are prohibited in all circumstances, and women, whatever their nationality, race, religious beliefs, age, marital status, or social condition, have an absolute right to respect for their honor and their dignity.

Although this article constitutes a long-overdue recognition that rape is unacceptable in terms of armed conflict, the extent and gravity of the practice are not acknowledged, since the provision falls outside the system of grave breaches of international humanitarian law, under which system states are obliged to seek out and punish persons responsible for failing to observe certain designated provisions of the conventions. Article 27, subparagraph 2, has also been criticized on the grounds that, like

many of the provisions relating to women, it categorizes rape as an attack on the victim's honor, and thus does not reflect the seriousness of the offense of sexual violence.

The resolution of the United Nations Economic and Social Council of 1970 on the protection of women and children in time of emergency, war, struggle for peace, national liberation, and independence resulted in Article 76 of Additional Protocol 1 to the Geneva Conventions, which states, "Women shall be the object of special respect and shall be protected in particular against rape, forced prostitution, and any other form of indecent assault." This also extends the protection to all women held by a party to the conflict, regardless of their allegiance. This applies in the case of an international armed conflict.

Article 76 represents an advance for international humanitarian law, as compared to Article 72, subsection 2, since it widens the circle of beneficiaries and refers to all women in the territories of the parties to the conflict. While protection covers nationals of states which are not parties to the convention and those of neutral and co-belligerent states, it does not extend to nationals of a party to the conflict who are victims of offenses against their honor committed on the territory of that party and under circumstances which have no relation to the armed conflict.

In a non-international armed conflict, such as a civil war, women are protected by the fundamental guarantees governing the treatment of persons not taking part in the hostilities which are contained in Common Article 3, common to all four Geneva Conventions. This lays down certain minimum standards of conduct that are to be followed, and this is read to include the prohibition of rape, though this article does not provide a special protection for women.

Additional Protocol 2 completes and develops this provision. Article 42, subsection E, of Protocol 2 additional to the Geneva Conventions is applicable to internal armed conflict and prohibits outrages upon personal dignity, in particular humiliating and degrading treatment, rape, enforced prostitution, and any form of indecent assault. One very important point that is to be tackled is that of the inclusion of these heinous crimes against women as grave breaches of the Geneva Conventions and their protocols. The concept of grave breach is that it imputes individual criminal responsibility, and it also rests the responsibility upon a state to ensure penal legislation and also to prosecute the offenders, irrespective of their nationality. The definition of grave breach includes willful killing, torture, inhuman treatment, unlawful confinement, but does not incorporate gender-based violations expressly. Rape is not specified, but by means of legal interpretation, it is inferred that gender-specific abuses fall into the category of grave breaches.

Another important issue is whether rape would fall into the category of torture. Even where the statutory definitions of war crimes or crimes against humanity do not explicitly specify rape or other sexual assaults, they are typically understood to be acts of torture and inhuman treatment. As such, they can be charged as grave breaches of the laws of war, war crimes, or crimes against humanity.

The Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment requires ratifying states to ensure torture is a criminal offense under domestic law and to prosecute or extradite alleged perpetrators whenever they are found within its territory. Rape and other forms of sexual violence constitute torture when they are intentionally inflicted on a victim by an official or with official instigation, consent, and tolerance, for purposes such as intimidation, coercion, punishment, or eliciting information or confessions, or for any reason based on discrimination of any kind. This includes, of course, torture on the basis of gender discrimination.

The 1992 Special Rapporteur on Torture was of the opinion that rape of women in detention was a form of torture, and the analogy could be extended to the area of armed conflict as well. The European Court of Human Rights and the Inter-American Commission on Human Rights have recognized rape as torture.

The widespread or systematic commission of acts of sexual violence against a civilian population may also be prosecuted as crimes against humanity. Crimes against humanity include acts such as murder, torture, enslavement, imprisonment, rape, or other inhumane acts when committed systematically or on a massive scale against civilians. Under certain conditions, acts of sexual violence can also be the means of committing the international crime of genocide, as defined in the 1948 Convention on the Prevention and Punishment of the Crime of Genocide. This crime constitutes certain acts committed with the intention to destroy, in whole or in part, a national, ethnic, racial, or religious group as such. The acts that are proscribed include killing, causing serious bodily or mental harm, imposing measures intended to prevent births within the group, forcibly transferring a group's children to another group, or deliberately inflicting on the group conditions of life calculated to bring about its destruction in whole or in part. Rape, sexual enslavement, forced prostitution, forced sterilization, forced abortion, and forced pregnancy—that is, impregnation with the intent of forcing a woman to give birth to the rapist's child—can all be means of seriously harming women, even to the point of death. These crimes destroy the victims and destroy their families and communities.

The devastation caused by wartime rape was brought to the attention of the world by the horrific events in the former Yugoslavia and in Rwanda. The widespread rape of women in order to terrorize a particular ethnicity and the grave abuses committed against women were the focus of worldwide condemnation. In order to determine the extent of atrocities committed in the former Yugoslavia, the Security Council established a commission of experts to conduct an investigation into the crimes alleged. The experts submitted a final report that detailed the patterns of rape and sexual abuse against women. This report documented five patterns of the occurrence of rape in the armed conflict.

The first pattern is the commission of rapes which occur before fighting breaks out, by individuals or small groups, targeting specific ethnic groups. The second pattern is the rapes that are committed together with the invasion and capture of towns and villages. In the third pattern, women are raped while they are held in detention by the

occupying forces. The fourth pattern consists of the so-called “rape camps,” where women are held and sexually abused by their captors. In many cases, the purpose is to ethnically cleanse the community by impregnating the women and ensuring that the pregnancies come to term without the possibility of abortion—that is, keeping women in detention for the whole period of gestation.

The fifth pattern is where women are forced into brothels for abuse by soldiers. More often than not, such women end up getting killed. This was very common during the Second World War.

The characteristic that seems to be common in all these cases is that most of the rapes are gang rapes. In addition, many are committed in the presence of family members and people from the community. This was so common in the former Yugoslavia. This serves to shame and humiliate the whole community.

The widespread reporting of these crimes and the methods adopted have resulted in crimes against women such as this coming under the focus of the international community. The systematic use of rape as a tool of war has been highlighted by the International Criminal Tribunal for the Former Yugoslavia, as well as that for Rwanda. While determining the position of the offense of rape in the context of the statute of the Hague Tribunal and the Rwanda Tribunal, it was declared that the phrase, common to the Geneva Conventions and their protocols, “willfully causing great suffering or serious injury to body or health” obviously covered not only rape, but also any other attack upon a woman’s dignity. This added weight to the argument that prevailed with the commission of experts set up by the Security Council to consider the question of the establishment of the Hague Tribunal, namely, that rape and other sexual assaults, although not specifically designated as grave breaches in the conventions and protocols, constitute torture or inhuman treatment, are acts that willfully cause great suffering or serious injury to body or health, and are thus punishable as grave breaches under the conventions.

In Article 5(g) of the statute of the Hague Tribunal—this is the tribunal for the former Yugoslavia—rape is specifically punishable as a crime against humanity and is applicable in the case of internal or international armed conflict. It would be an untenable position to say that rape and various forms of sexual violence against women committed in international armed conflict are not grave breaches of treaty rules. There is a growing recognition of women’s human rights, and this calls for the prosecution of crimes of sexual violence committed in armed conflicts.

There has been much concern over the situation in Rwanda as well, and so the criminalization of sexual violence against women in internal armed conflicts by the statute of the International Criminal Tribunal for Rwanda is an important development. International humanitarian law has traditionally distinguished between international and internal armed conflicts, concentrating on the former. The statute of the ICTR—that is, the Rwanda Tribunal—provides that rape is punishable as a crime against humanity and that the practice falls within the tribunal’s jurisdiction since, in common with the forced

prostitution and indecent assault, it is specifically designated as a crime in Article 3 common to the Geneva Conventions.

Enforcement of the provisions protecting women against sexual violence has its genesis in the Yugoslav conflict and the practice of the ICTY. (This is the Hague Tribunal.) For proper enforcement and effective implementation, there must be procedural forms. There is recognition of this within the international community, and progress has been made in taking into account the particular concerns of women in the proscription of sexual offenses. Issues like the anonymity of witnesses and victims in trials for sexual assault and provision for support and counseling have been addressed by the ICTY. Recognition has also been given to the importance of equal gender distribution in the composition of enforcement tribunals and their support staff.

Grave breaches of the Geneva Conventions, crimes against humanity, and genocide are crimes of universal jurisdiction. They are so universally recognized as abhorrent and in the interests of the entire international community to suppress that any nation may prosecute the perpetrators, regardless of their nationality, the nationality of the victims, and the venue of the crime.

Although few nations, in practice, provide for such a broad exercise of jurisdiction in their domestic laws, both the Tribunal for the Former Yugoslavia and the one for Rwanda are specifically empowered to prosecute rape and sexual assault as crimes against humanity. To date, the tribunals have successfully prosecuted rape and sexual assault as genocide, crimes against humanity, torture, and as war crimes. Both statutes of the Tribunal for the Former Yugoslavia and Rwanda specify rape in the definitions of acts which may constitute crimes against humanity.

In addition, the reports leading up to the adoption of their respective statutes make clear that sexual assaults, more broadly, were contemplated as part of the inhuman treatment that is an element of each crime. The Rwanda Tribunal statute enumerates outrages upon personal dignity, in particular humiliating and degrading treatment, rape, enforced prostitution, and any form of indecent assault, as war crimes. Following the formulation of Common Article 3 of the Geneva Conventions and Article 42, subparagraph (e) of Protocol 2, in the case of *The Prosecutor versus Jean-Paul Akayesu*, the Rwanda Tribunal found Jean-Paul Akayesu guilty of crimes against humanity. Article 3 of the statute identifies rape as a crime against humanity if it is committed as part of a widespread or systematic attack against any civilian population on national, political, ethnic, racial, or religious grounds. The Rwanda Tribunal found evidence that Akayesu had witnessed and ordered rapes of Tutsi women while he was a local leader. These rapes were found to be both systematic and carried out on a massive scale against women of the Tutsi ethnicity.

Another important aspect of this case was that the Rwanda Tribunal recognized rape as a form of genocide and found Akayesu guilty of genocide.

In the Celebici case in the Hague Tribunal, the rape of Bosnian-Serb women prisoners at the Celebici prison camp amounted to torture, in violation of Articles 2 and 3 of the statutes of the Hague Tribunal. As per Article 2(b), torture or inhumane treatment is a grave breach of the Geneva Conventions. Article 3 prohibits violations of the laws and customs of war. The ICTY found Hazim Delic, a Bosnian-Muslim deputy camp commander, guilty of the rapes he committed. Another one, Mucic, the Bosnia-Croat camp commander, was found to have command responsibility for crimes committed in the Celebici camp, including crimes of sexual assault.

This decision referred to the severe physical and psychological pain and suffering that characterized this torture and held that sexual violence strikes at the very core of human dignity and physical integrity. The trial chamber emphasized that when such violence is committed against a woman, because she is a woman, the perpetrator's intent triggers the prohibited purpose of gender discrimination as an element of the crime of torture.

In the Furundzija decision by the Hague Tribunal, it found Anto Furundzija, a local Bosnian-Croat military commander, guilty of aiding and abetting a war crime, the rape of a Bosnian-Muslim woman. Furundzija was found to have provided assistance, encouragement, or moral support, which had a substantial effect on the perpetration of the crime, when his subordinate raped a Bosnian-Muslim woman while Furundzija was interrogating her.

In the case of *The Prosecutor versus Kunarac* and two others, which is referred to as the "rape camp case," the trial chamber found that rape of Muslim women was used as an instrument of terror for the purpose of ethnic cleansing. The three accused were found guilty of rape as a crime against humanity, the first time at the ICTY. The chamber also shifted the focus of the traditional rape, as laid down by the ICTY—this is the head tribunal—jurisprudence in prior decisions and focused on the issue of lack of consent of the victim, apart from the use of force by the perpetrator.

The statute of the International Criminal Court—this is the newly established court—recognizes sexual violence and rape as international crimes. In addition to charging torture or inhumane treatment as grave breaches of the Geneva Conventions, in Article 82, subparagraph 2, the statute lists war crimes as including committing rape, sexual slavery, enforced prostitution, forced pregnancy, et cetera, enforced sterilization, or any other form of sexual violence, all constituting a grave breach of the Geneva Conventions. Such crimes may be prosecuted as grave breaches of the Geneva Conventions in the context of international armed conflict or as violations of Common Article 3 of the Geneva Conventions, in the context of internal armed conflict. The statute's definition of crimes against humanity in the Article 71 includes torture, as well as rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity.

The International Criminal Court will herald a new era in the prosecution and punishment of such grave crimes. It remains to be seen, however, how the court

approaches the issues of crimes against women in the context of armed conflict and how it will draw upon the experience of the two tribunals.

The impact of rape: rape violates the dignity of women, restricts their choices in lifestyle, and, unfortunately, it has become a means of social control. In armed-conflict situations, women experience conflicts in a different way. Its effects differ widely across cultures. Women sometimes are raped even by their own forces. As anarchy is common during armed conflict, the road to justice is long and arduous. Even the process of justice exposes women to secondary victimization. This was very evident in the trials that we had at The Hague, as well as in Rwanda, because the victims were reluctant, and even when they came to give evidence, they often broke down because they remembered what they went through, especially in the face of the perpetrators, the accused persons in the dock facing them.

Protective measures in the rules of procedure and evidence were formulated to reduce the trauma of reconstructing the attacks during trial. This is practiced sometimes at the Hague Tribunal, where in certain cases the victim may be shielded from the accused persons.

My concluding remarks, prosecution occurs after the damage is done for the women and their communities. Even then, prosecution is not always successful. What is required is adherence to the laws of war. As there are no specified battlefields today, wars are fought in cities and residential areas by foot soldiers. This is especially difficult to control, in order to prevent the occurrence of rape. Mass rape and rape camps in warfare can be stopped. States need to take a more active approach in the training of military personnel, especially with a view to avoiding the occurrence of war crimes such as rape.

More important is the need to change attitudes towards women generally. In some armed-conflict situations, not all combatants are professional soldiers. The conflict in the former Yugoslavia and in Rwanda involved a lot of civilians, as well as paramilitaries and special forces. The voices of women in these concerns must be listened to. Laws safeguarding women's rights cannot be effective without changes in attitudes in our societies. Other social players are required in the arena to tackle this form of violence. Social scientists need to determine ways and means to address the instance of rape.

Prosecuting rape as a crime against humanity has a limited deterrent effect, so the arena is open. It should not be left to the legal profession alone. We are now at the threshold of a new era in international humanitarian law, with the International Criminal Court on the road to becoming operational. This is a reflection of the will of the international community. It is hoped that this also marks a new chapter in the perception of rape and its impact on women, and that the international community will take a more active role in preventing the occurrence of the crime of rape in all its forms.

The victims of rape, in all its forms, face a stigma in their communities, and that is a life sentence for which there is no appeal.

Thank you.

The Relationship between Politics, Science, and Development and its Impact on Human Rights

Malegapura Makgoba, Vice Chancellor and University Principal, University of Natal; President, Medical Association of South Africa

Ladies and gentlemen, distinguished guests, it is a singular honor for me to be invited to participate in this very special meeting, in this beautiful part of Switzerland.

I have slightly modified my talk, partly because I am a big jet-lagged, but also I will try to keep to time. I have modified it to “Denial and Suspicion: The Relationship between Politics and Scientific Research in South Africa’s HIV Epidemic.”

I want to start by making a remark that earlier this year, a South African appellate court judge and an HIV-positive person and an AIDS activist, Judge Edwin Cameron, concluded a speech on the AIDS pandemic in South Africa by saying, and I wish to quote, “The evidence points to the dismal conclusion that the dead hand of denialism still weighs down all too heavily on the development of a rational and effective response to AIDS.”

Just last week, a cartoon in our national weekly newspaper—I happen to chair the board of this newspaper—depicted the South African health minister scratching around in her doctor’s bag at the bedside of an emaciated HIV patient in need of antiretrovirals. The provocative caption to this cartoon read as follows: “Dr. Doolittle pulled out a nutrition handbook, out of which came an African potato and some red herrings.”

A nutrition handbook, an African potato, and some red herrings. Are these really South Africa’s response to the HIV epidemic? The answer is, simply, yes and no.

I have written before on the role of the South African media in fueling a phenomenon I have called “pseudoscience,” and have no wish to encourage this phenomenon to continue. In relation to the media, this phenomenon involves a concentration of attention on the negative and sometimes the sensationalist aspects of the HIV/AIDS story in South Africa. I refer, of course, to aspects such as the drama called *Sarafina*, which was a musical scandal, and the quackery of a miracle cure called Virodene, which was an industrial solvent, the national leadership’s flirtation with AIDS dissidents, to name but a few.

A singular focus on these issues, combined with a lack of scientific understanding and experienced, in-depth reporting, has the potential to downplay the many positive initiatives that are, in fact, taking place in the field of HIV treatment in South Africa. We need to be very aware of the potential for such pseudoscience to gain a foothold in the public understanding of HIV-related disease and issues.

Responsibility for encouraging such a foothold, however, does not lie with the media alone. Unfortunately, as Justice Cameron's comments illustrate, the red herrings depicted in the newspaper cartoon do, in fact, abound and are being used to justify the ambivalent response of the South African government with regard to the provision of antiretrovirals and other forms of HIV treatment. Indeed, the extent of the government's prevarication has been of such magnitude as to have received the attention of the Constitutional Court, the highest court in our land, which in July last year was forced to order the government to make nevirapine universally available to pregnant women infected with HIV. The court made it clear that the reasons claimed by the government for its failure were both unjustifiable and unreasonable, the major reason offered being the contention that antiretrovirals are more toxic and deadly than the disease itself, the disease they attempt to combat. This was the argument of government, in the midst of scientific facts that are obvious and open to the public.

Other excuses with which the South African public is now familiar are the government's insistence that proper infrastructure should come before the rolling out of a national treatment plan. I know of no country that ever had an infrastructure to treat an epidemic, let alone HIV, anywhere in the world. Infrastructure gets built as we get to understand the epidemic every day. We grow like that. We do not use a chicken-and-egg argument, and keep on going around in circles.

There is also an unqualified emphasis on socioeconomic conditions as the leading cause of HIV-related disease, the viralization of indigenous foodstuff, such as the potato that I have spoken about, the African potato. All of these red herrings, while containing some vestige of truth, at the same time also contain major distortions of the truth. As such, they constitute the deadly weapons in the dead hand of denialism lamented by Justice Cameron and other South Africans who understand very clearly the potential danger of the intersection between science and politics in a developing country, a country that is largely characterized by chauvinism, ignorance, stigma, denialism, and many other issues that fuel an epidemic out of such ambivalent responses.

This intersection is unique neither to South Africa nor to our present time, and it is expressed in a number of circumstances. Whenever science, I think, generally cannot be separated from ideology, and when scientific truths become amalgamated with political ideology, it becomes pseudoscience. When eminent scientists misrepresent and elect to distort acknowledged scientific findings, and instead seek publicity because of career ambitions, that becomes pseudoscience. When politicians and the nation's intelligentsia get recruited in order to control the flow of information, to distort or misrepresent the facts of science for short-term ideological gain that becomes pseudoscience.

I can only share with you a personal story. I do not want it to be repeated anywhere outside this room. It was in January 2010[sic], at 12:12 in the evening, that I received a call from the president of my country. That call went as follows: "I think it would be useful if you could stand with me and declare that HIV does not cause AIDS."

This is a phone call from the president of a country. I have never said it to anybody. It is part of my memoirs. But I want to share with you, as a group of scientists, that that is the level of influence that you get as a scientist in a country.

My answer was very simple, “I am not a politician; I am a scientist. Very soon, you will flirt with another group, and you will dump me, and I will never be able to stand in front of my peers, as scientists, if I choose to make a decision on the basis of flirtation for political expediency.”

After that, we did not speak for a very long time. We have just started speaking to each other over the last month or so.

But that is the level of pseudoscience that gets promoted in a developing country when politicians begin to get hold of their own sphere of influence.

I believe that networks such as this are important, partly to support groups of scientists who respect the integrity and authority of science and the scientific method, in order that we can continue to have at least a brand of science with noble goals and noble ideas, rather than science that gets manipulated every time there is a political order. I need not remind this audience of a man called Lysenko, who was Stalin’s favorite scientist and who did everything to damage scientific development in the Soviet Union, but became the darling of Stalin, because he thought that if you wanted milk, you just go and start milking a cow and the harder you milk it, the more milk will come out.

That is the level of science that we went through. Unfortunately, our minister of health happens to have trained in her medical time during the time of Lysenko in the USSR, and I am not sure but that she has acquired some of those habits.

But let me not bore you with that. There is a long history, obviously, of politicians manipulating science. As you know, between 1932 and 1945, 10,000 people were murdered by Japanese researchers testing biological weapons that used DNA technology, and for their kind experiments, the Americans provided indemnity to the Japanese in order to get their laboratory books and develop their own science. So there has been all this kind of history around science and its manipulation.

In South Africa, we have our own historic example. During Apartheid, politicians collaborated with certain scientists to develop a biological-warfare program through which mainly black people who were against Apartheid would be selectively poisoned or chemically sterilized. One of those is a Nobel Laureate, Desmond Tutu, who received one of those parcels that was supposed to either chemically poison him or sterilize him in one way or another.

Scientific and, obviously, political controversy is not unusual to HIV/AIDS. There are many of those that have occurred through the history of this illness. However, in South Africa, the AIDS challenge continues to be used variously as a source of political and moral authority and power. For example, our opposition party, commonly

called the Democratic Party—which is quite undemocratic—for example, has used the provision of AZT for pregnant women in the western Cape as part of their electioneering strategies. Other political opponents and critics of the government, such as the Treatment Action Campaign, are quick to point to the government’s perceived reluctance to stem the tide of HIV-related deaths with dire consequences for the national development imperatives.

In response to such challenges, official responses have sought to call into question the accuracy of HIV-related data or statistics and/or to politicize the scientific process by putting a positive spin on what are perceived to be negative data. In addition, there has been casting of doubt about the theories to contradict the orthodox scientific findings on HIV/AIDS, the countenancing of discredited dissident theories. For example, in January, the South African health minister invited one of the AIDS denialists, Dr. Robert Giraldo, to address a meeting of the ministerial health committee. The message he gave at the meeting was that the transmission of AIDS from person to person is a myth.

The government has now apparently retained Giraldo’s service as an adviser on nutrition and has refused to say any more than that its policies are based on the premise that HIV causes AIDS.

As Edwin Cameron has said, the ambiguity of expression, the ambivalence of the underlying belief, the doubt about the commitment, are all still too tragically apparent.

In the wake of these mixed messages, South Africa has witnessed a clamor to return to past cultural roots and a growing skepticism towards modernization. This is seen, for example, in the increased emphasis on virginity testing of young women, a practice that has raised the ire of the gender activists who deem it unconstitutional and discriminatory. In the context of a weak civil society, strong political leadership easily takes hold, and the result may be further obfuscation.

I wish to conclude by saying that in South Africa we have witnessed something that I do not know if other countries have seen. I think it is going to be a subject of historical and, I think, international discussions at some stage. I believe that the dissidents that have come to our country, and their theories, like the seasons of the year, will come and go. However, the consequences I have listed of their short sojourn into our country will remain with us for a very long time. South Africans will be left facing the consequences of this explosive and unrelenting epidemic, and it will remain a moral, ethical, and human-rights challenge for many years to come.

Taking an historical perspective, it is not impossible to explain the origins of much of the mistrust that exists in South Africa towards what is perceived as Western science, medicine, and public health. Dr. Schneider, a member of the Medical Research Council, and other colleagues have written as follows: “The country’s AIDS crisis manifests the legacy of the politics not only of the present, but of the past as well. However, in such societies, the manipulations and misrepresentation of scientific facts only serve to fuel an epidemic such as HIV/AIDS.”

As Cameron has eloquently argued, it is only through the freedom that truth brings that we will find the capacity to build, plan, and act better. That truth must prevail. There is much at stake.

I just want to remind this body, which I think is an important body, to remember that the development of good science and good scientists is much more complex than meets the eye. I do know that people get awarded the Nobel Prize because they have done good science, but I have often wondered whether such bodies ever look as to how scientists are trained, where they are trained. I think if we do not look into such matters and begin to test them, we can be pretty sure we will only receive one form of Nobel laureates, and they will come from only certain societies. I am not sure that that is the world we are trying to create in today's world. I think we need to be a little bit more circumspect and interrogate some of the things that we observe that look obvious, and see where they come from.

Thank you.

Wiesel – We thank you for your comment. You presented the situation in South Africa as a developing country, and that is . . . given the high level of education in South Africa. But even if you look at Europe and look at the manipulation—for example, the genetic policies in Western Europe all the way up to the 1970s, how people were sterilized on genetic grounds—to me, it is a shameful period where we did not really live up to the standard that we should have.

So I think this is a common problem. I think all of us who have a scientific background have a responsibility to keep our eyes open and see to it that the situation, both in genetics and what we have to expect in the future with the Genome Project, the genome now being sequenced for all of us, and what happened with AIDS—it is not only in South Africa. In many other countries, including the United States, from the beginning, the policies were not really adequate to meet the challenge.

We appreciate your coming here all the way from South Africa to give your presentation.

You all look as if you need a cup of coffee, so let's take a 15-minute break and then come back here.

Conducting Socially Relevant Research in a Politically Polarized Environment
Clara Arenas, Social Scientist and Executive Director, Association for the
Advancement of Social Sciences of Guatemala

I would like to start by saying that I see some important differences that I would like to mention between social-science research centers like AVANSCO in Guatemala—and, to some extent, centers in other countries of Central America—and the situation for research in the north. The first one has to do with AVANSCO's origin, which lies in the need to confront the problem of stagnation in social-science research in Guatemala. This stagnation relates directly to the country's sociopolitical process, especially the political and armed repression suffered by peasants, unionists, students, professors, and scholars, in the more than three decades starting in 1960.

To carry out studies and research on the most prevalent social problems, AVANSCO's first founding objective, portrays very clearly our center's commitment to produce updated knowledge on the country's reality.

Another difference is that, for different reasons, social research in Guatemala tends to be a non-university activity. This means that a series of limitations have to be confronted both in terms of research capacity, agenda, and financial resources, and in terms of the possibility of analytical synthesis. The accumulation of knowledge and the possibility of synthesizing can only be the result of years of research under the umbrella of permanent programs, which, in turn, require financial stability and human resources committed to social research.

As I will explain, and as Carol has said, an important difference in the specific case of AVANSCO is having to coexist with hostile governments or power structures capable of searching our offices, following our researchers, and even assassinating them.

Added to the adverse sociopolitical context and the restricted resources is the prevalence of a culture that tends to disqualify social research as a valuable resource for the definition of strategies, for example, in the NGO world, or for the formulation of public policies.

Lastly, and closely related to my second point, international aid, which is a main financial source of research centers that operate outside the university paradigm, has difficulties in conceiving social research as part of the development process or of development issues.

Now I will talk a little about our vision.

Another of AVANSCO's founding objectives is to do research that is useful and relevant to the excluded majorities of our country. We try to provide answers to questions such as how to guarantee that the results of our research are useful to those

majorities. How can we conceive the impact of a research center that wants to continue being a research center as something that has to do with publications, but goes beyond publications?

Our answers to the questions are in no way final. They are a work in progress. But there are things we can already say. In the first place, the answers imply multiple actions that require a flexible approach, useful in different moments and under different circumstances. So in a way we are saying that this is a permanent quest.

Having said that, I would like to state that in AVANSCO we understand research and social action—or, in the more recent vocabulary, impact or incidence—as equally substantial to the effort of promoting justice in social relations in all spheres—economic, political, cultural—of our national life. There can be no impact if one of these two elements is absent. Under this conception, we believe that alternatives have to be socially constructed in a collective effort of different actors and sectors in which the input of research results is, of course, required. In other words, we do not see alternative proposals as a result of the work of an illuminated elite that gathers alone and behind closed doors in a research center.

So the next question is how to transform the concept of impact and the principle of social construction of alternatives into practice. The answer has to do with the work strategy—that is, what to do and how to do it. Obviously, it is a matter of how to organize our research work, the heart of AVANSCO. But it is also a matter of how to organize our efforts to relate to social organizations. The evaluation of the impact of such a strategy is also complex and not always objective. The complexity derives both from the diversity of actors to which the research center relates and from the diverse range of results pursued. To exemplify this, I can refer to the fact that we have organized our work in study areas directed specifically to a sector of society, the peasants, or rural population, the urban dwellers, and seek to build stable relationships with that sector.

But it is a fact that each sector is in itself ample and heterogeneous, including a wide diversity of forms of social organization, which in turn represent different levels of relation to the grassroots or social base. One can also find a wide diversity of political positions and political action. Of course, the impact of each study area would be very limited if it were to be restricted to its relationship with its target social sector. On the contrary, each area should open its possibilities so that its analysis and search for options can obtain as much consensus as possible and thus greater social strength.

The result is a map of many diverse actors and the necessity of establishing a wide range of goals and products. Evaluation, from our point of view, then, involves both processes and products.

I would like to stress processes. AVANSCO seeks to promote processes that can strengthen what we call the social fabric, so badly damaged during the recent armed conflict. The constitution of the Agrarian Platform, for example, that brings together a human-rights organization, a peasant organization, people from the university, the Catholic Church's land pastoral, AVANSCO, et cetera, is in itself an impact, whether it

can achieve its concrete goal of having rural development be part of the Guatemalan state's public policy or not.

To the question of what the possibilities are of its achieving its concrete goals: It is difficult for us to answer such a question. Nevertheless, we can say that a social space like the Agrarian Platform has interesting possibilities, because its heterogeneity provides the opportunity of connecting solid proposals and strong social movement. The idea of promoting and participating in social platforms is perhaps where we put our greatest hopes today. A social platform brings together grassroots organizations, NGOs, and other organizations that support the social movement to a common workplace. It typically arraigns its work toward public policies and seeks to be of a permanent nature. That is, it should look at the structural problems in the midst of political and economic junctions.

But we have also accumulated some experience with respect to other practices which can complement the platform strategy. One is accompaniment, in which AVANSCO has a working relationship with a grassroots organization trying to produce some type of joint proposal. The process is one of mutual opening and of critical solidarity. We have learned that a process of this kind requires a long phase of confidence building.

Another one is co-investigation. This can be done in several ways. We have some experience in thinking out two possibilities: designing and carrying out a research project with a grassroots organization, which involves researchers from AVANSCO and from the organization making up a mixed team for that particular project; or designing with a grassroots organization a research program relevant for both and then having a mixed team do the fundraising and hiring of a specific team to carry out the project. Follow-up and discussion and use of results would be done by the mixed team.

So in terms of our identity, we are a research center. We are also a social actor. We want to strengthen this complex identity. To do this, we are in the process of breaking down the walls that conceptually and pragmatically tend to keep our study areas apart in a world of their own and of creating in AVANSCO an epistemic community—that is, a permanent effort of dialogue and communication that can help in the construction of common codes and concepts, which in turn can facilitate inter-subjective communication among researchers.

On the other hand, we are also using some of the tools created in the world of efficiency and have built a matrix that correlates impacts, objectives, goals, and timeframe. In both spheres, knowledge and social impact, we try to facilitate the identification of researchers with their study areas, as well as with the goals and work of the rest of our center, thus providing the basis for a sense of co-responsibility.

In our path towards an epistemic community, we organize internal seminars and congresses in which we put forth our theoretical thinking on the relevant issues pertaining to AVANSCO's identity and social goals. At the end of last year, the seminar's focus was on social subjects and social research, the main interest being the clarification of our

own understanding of the social subjects for and with which we work. Each team was asked to answer four questions: How has your area conceptualized the social subject to which it relates? How can you characterize the reality in which that subject lives? How does the subject react or articulate to the social structure? Finally, how has the team studied or related to this social subject?

I will share with you the reflections of the most recently created study area, the local history study area, in answering the first question. I quote:

We are interested in understanding a diverse subject, which is complex and acts in contemporary or recent history. We understand diversity not only in terms of the heterogeneity of its composition, but, above all, in terms of the multiple forms in which this diverse subject participates in the social processes. We are dealing with men and women who build life experiences and trajectories which are complex and contradictory and whose identity is not a coherent whole.

Agency is not an abstract capacity. It is conditioned socially, culturally, and also in terms of space. The social subject is immersed in hierarchies and conflicts. Nevertheless, these factors are not absolute conditioners. The subject moves between manipulation and decision. Subjects play a role in the establishment, reproduction, and/or transformation of structural conditions through their alliances, adaptations, and resistance. In this sense, subjects are a product of, and at the same time produce, history.

In the light of the above, we are interested in understanding the concrete ways in which the social inequalities in which the subject lives and acts are produced and reproduced. We want to understand the historicity of that agency, the reason for the different options and decisions in the subject's recent history.

The peasants studies area answered in the following terms:

Politically, our reflection stems from a context dominated by polarization, lack of confidence, a torn social fabric, and the absence of solid political spaces capable of political mediation. We live in a time of great contradictions in which neoliberal rationality and subjectivity predominate both in urban and in rural areas, while at the same time millions of people lack minimal conditions to guarantee their existence as complete and dignified human beings. We are a poor and torn-up society.

In such a context, we propose a notion of negated or denied subject, put forth by Amando Acosta. This is a subject that is negated, excluded, and not represented in the dominant liberal hegemonic democracy. We are talking of a subject that emerges from exclusion, exploitation, social inequality, and lack of political representation. From our point of view, the counter-image of the negated subject is the critical subject, which is alive, concrete, and corporeal, which does not reproduce the hegemonic system and struggles in an organized way to free itself

from denial and exclusion. Its horizon is its realization as a complete human being.

The critical subject is a sociopolitical transformation project, and the challenge we face is that of helping convert civil society and the social movement from being an object and a mediator into a transforming critical subject—in the words of Acosta, how to move from the negated subject to the “scream” of the subject:

The implications in our theoretical and methodological perspective of adopting this notion of social subject reflect in the selection of research problems, the places where research is carried out, the methods or techniques that are to be used. That is, it affects all the fields of our work, because with it we try to contribute in the construction of critical subjects which can act in the framework of an alternative counter-hegemonic political project.

So we are doing this in a country as we try to be a social and critical subject ourselves—active, searching for alternatives that have to be counter-hegemonic, looking for elements that can constitute an alternative development option within a context that can be encapsulated in seven “knots” that we have to undo or cut that impede development. I will go through them very rapidly.

The first one is economic growth, poverty, and inequality. Guatemala’s economic history suggests that economic growth will not reverse inequality and poverty. Public policy has not yet addressed the following question: Under what conditions can economic growth surpass the negative effects of bad distribution? Dominant sectors resist the discussion of the relationships between poverty, economic growth, per-capita-income growth, and inequality. It is true that growth can contribute, and substantially, to the reduction of poverty, but it has to be clear that inequality can nullify or reduce such effects.

Another knot: globalization. Globalization is in itself a problematic knot, because it darkens all possibilities of designing and promoting development styles based on national values and forces us to look towards extremely complex models or proposals. It is important to emphasize the diminishing of the national state that dramatically changes the scale and the givens from which development has to be thought out. Globalization does not impact only the spheres of finance, commerce, and goods, it is also perceivable in the spheres of ideology and culture. At this point it is difficult to think of a globalization process implicating relationships of equality and dialogue between cultures and peoples.

The third problematic knot is the fragility of the social fabric. We say that the fragility of the social texture is one of the dominant features of postwar Guatemala. A diversity of strategies of regrouping or rearticulating society can be seen at different levels, but the underlying reality is one of a fragile social base that does not evolve into social movements capable of unifying collective action, both socially and politically. This makes the search for transformation and for alternatives to the dominant situation extremely difficult.

The need to restructure the national state in order to decentralize and de-concentrate it, and to establish new relationships between the state and society is clear. It is also clear that the framework for the functioning of political parties and elections has to be restructured if the political processes are to obtain their lost legitimacy. This loss has to do with the enormous distance between leaders and constituency, and with the related impossibility of the constituency to control partisan actions.

In the level of mentality, the fourth knot would be racism, conservatism, authoritarianism, and machismo. These ideological institutions characterize Guatemalan society and have historically impeded the construction of an inclusive and democratic national project capable of reflecting its heterogeneity and diverse cultural expressions. These elements are essential in the definition of development options with which the different peoples that constitute the country can identify. This is linked to the ethnocentric vision in Guatemala. I will not go into that.

The memory of the past is another problem. History has served to convey hegemonic visions built to separate society from its historic roots and to promote a homogeneous view that denies the existence of the different ethnic groups, cultures, and localities that make up the country. This grand history tends to avoid the analysis of social processes and the dynamics of conflict that occurs between different social subjects. The acknowledgement of the historic processes is a necessary condition in the quest for a perspective of the future, to strengthen national identity, and to consolidate democracy.

So with this background, I would like to turn to Guatemala's difficulty in imagining the future as different from today's reality. The explanation has to do with economic stagnation, to say the least, insecurity in terms of health care, as well as delinquency and cultural change. Globalization has permeated society in many ways. I would like to stress market ideology, not from the perspective of the business community, but from the perspective of the Guatemalan ordinary consumer. It is not his pattern of consumption that has so dramatically changed, because the ordinary Guatemalan is not a practical buyer. It is his pattern of desire that has changed. Desires have changed; actual possibilities have not.

Along with market ideology, globalization has introduced new and different sources for identity. Identity now hangs between the known hierarchies and role differentiation, on one hand, and the new, undifferentiated consumer on the other—that is, between a consumer-to-be and a community member that no longer is. In this situation, how can Guatemalans in their 30s and 40s imagine the shape of their children's future?

The power structure is another key problem. Guatemala's history has been articulated around a power structure that has changed in time in terms of which interest group has the upper hand in government, but not in terms of government not being open to the needs of the vast majorities, except for the revolutionary governments of the decade of 1944 to 1954. After that, national-security doctrine, anticommunism, and conservatism held together for decades an alliance between the military, the capitalists,

and the U.S. that resulted in the internal war that lasted three decades, and in a way, to the normalization of violent methods as a way to solve ideological differences and, in fact, all kinds of differences.

In the most recent history—that is, from the signing of the peace accords in 1996 up to today—the alliance tends to change. The military no longer has a national project to defend. There is no communism. There is no insurgency. But they still have the power of the arms, of information, and analysis of their still-running intelligence system and of the counter insurgency methods they so well know. Traditional capitalists have lost some of their grip on government, but new capital has taken its place, that coming from illegal activities such as drug trafficking.

I think I will not go through our 15 years of democracy, because that will take a little long. But we have to say that in 1985 we had elections for the first time of a civil government, after many, many years of military governments. That was a lost opportunity, because that civil government was not able to change that power structure. Then, with the signing of the peace accords in 1996, again we analyze that it has been a lost opportunity, because after six years, since the accords were signed, the power structure has not changed either.

So I will leave it there and go rapidly to the subject of academic freedom. Looking back at our recent history, and specifically to the 1970s, one can see a devastating attack on scholars and professors, especially from the national university, the Universidad de San Carlos, Guatemala, who understood their role as one of active social critique, economists pointing out the dangers of putting natural resources, such as oil, in the hands of transnational interests, doctors talking about the unjust health system, lawyers expressing concern over the labor code not being enforced, et cetera. These social concerns were promptly seen as illegal political activities—which, in fact, they often became—by the anticommunist and repressive state apparatus, and the counterinsurgent logic soon swept away all possibility of acting from a critical paradigm.

AVANSCO was founded in 1986 in the context of a political opening that I described very briefly. Our bet was on the need to guarantee space for social research from the very beginning of that new political face. A very few years after, in 1989, the Cold War ended, and in 1996, the peace accords were signed in our country. Nevertheless, as Carol has told you, our colleague, Myrna Mack, was assassinated in front of her office in September 1990, and we have suffered political harassment and intimidation ever since.

More recently, in October 2001, Matilda Gonzalez, a historian, suffered persecution and had to leave the country for several weeks. Last week our office was broken into, and I myself received death threats. Many of the issues that AVANSCO studies are also studied by other researchers, both Guatemalan and non-Guatemalan, with no consequences to them in terms of security. It is also true that, due to AVANSCO's understanding of its role in Guatemalan society, it studies aspects that other researchers and research centers are not interested in—for example, the displaced population studied by Myrna Mack in the late 1980s, the history of land occupations by peasants being

studied today by the peasant studies area, the street gangs studied by Deborah Levinson, an American historian, in the late 1980s, the recent history of a municipality located in the war zone, studied by Matilda Gonzalez during the 1990s.

The epistemological starting points and, related to this, AVANSCO's answer to the question of what to do with research results, are not yet easily tolerated in Guatemala. Although it might be true that counterinsurgency is no longer a state policy, it is true that the country's power structure is still dominated in the ideological sphere by conservatism, and in the intelligence and armed operational spheres, by the military and ex-military trained in the days of the national-security doctrine.

With this, I end. I only have to add that I think the fight against terrorism could also have these types of repercussions. The national-security doctrine is the same thing.

Panel Discussion

Science Academies and their Potential to Promote Peace in the Middle East Region

Ayse Erzan, Professor of Physics, Istanbul Technical University, Turkey

Sari Nusseibah, President, Al-Quds University, Jerusalem

Menaham Yaari, Professor of Economics, Hebrew University, Israel

Yaari– Thank you very much.

I think it was exactly 50 years ago that Isaiah Berlin famously drew the distinction between positive liberty and negative liberty—freedom to and freedom from. You have freedom from persecution, freedom from harassment. He referred to that as negative freedom. Freedom to engage in, et cetera, he referred to as positive liberty, positive freedom. I think the situation with human rights is similar. That is to say, we can speak of the negative aspects of human rights, human rights protecting you from, and the positive aspects of human rights, human rights enabling you to.

As was mentioned in the introduction, I would like to introduce to you this afternoon a project that has to do with positive human rights in the sense of human rights enabling you to, and in particular, enabling Israeli and Palestinian scientists to cooperate with one another. The idea was first discussed several months ago, when some of us were in New York again and were thinking, with a sense of discouragement a little bit, as to what to do to rekindle cooperation in science and in scholarly efforts between Palestinian scientists and scholars and their Israeli counterparts—not that the cooperation is all gone by now, but it is greatly reduced from what it used to be, and even what it used to be left something to be desired.

So we were really concerned to find solutions that would make such cooperation possible once again. That is a human right in the positive sense, especially when viewed against the strife-torn situation that prevails in our region. The idea then came up that perhaps there should be a body that sponsors such cooperation directly and, in fact, funds it, if possible. That general discussion gave rise to a proposal that we have been discussing together for the last few months, which I would like to present to this meeting this afternoon.

I will use the overhead projector to do that. I think that will make it efficient, and my presentation will be all the shorter for that.

I just want to mention that this same proposal was indeed discussed earlier today by the executive committee. I am very delighted to be able to report that it was favorably received by the executive committee. In fact, there is even a sentiment amongst the executive committee of the network to maybe take part in sponsoring this kind of effort.

Let me introduce it to you, as I say, using a brief summary on the transparencies.

As you can see, we are talking about something whose acronym is IPSO. It stands for Israeli-Palestinian Science Organization. The idea is to set up something like a binational science foundation, of which there are several examples, in several countries. We hope for it to be internationally sponsored. By that we mean, for example, if we could get the blessing of the executive committee that would be a kind of international sponsorship that we would welcome and that would help us launch this thing with as much resource as we can muster.

The rest is self-explanatory. Here is the rationale. The rationale is what I mentioned earlier: enablement. That is to say, the first objective would be simply to make research and science possible. We also would like for it to have an indirect effect, namely, the initiation of dialogue. We think that scientists are among those who can be the first to speak across lines of division, across lines of conflict. In fact, in Israel we have had experience of that earlier on with other countries. For example, I think the relationship between Israel and Egypt was, very early on, carried on the backs of scientists from the two countries, who initiated the dialogue that later on developed into wider contacts between Israeli and Egyptians at large. There is also an experience between Israel and China, where for many years there was no dialogue at all, and when the dialogue did start, it started among scientists first, before it went on to become a dialogue among non-scientists.

So we are hoping that scientists here will be able to herald dialogue that others will take up. That is our second piece of rationale.

The third one is, instead of waiting for the leaders to initiate this thing top-down, we are thinking in terms of contacts arising bottom-up—in this case, the scientists working in the field.

So that is the rationale that we were thinking of. The principles that we thought we ought to abide by: First of all, we would try to support and foster and nurture all areas of science and learning. The question did arise whether we should limit this to some areas, but I think we are agreed that, at least at the beginning or at the stage of planning, there should be no restriction like that. We also are going to insist that the entity that we are trying to form shall be nonpolitical—no politics at all.

But there is one quasi-political principle that we wanted here, namely, a commitment to human rights. That is to say, if there is any project that is brought up for support that has a danger of being somehow involved or tied to or associated with activities that infringe on human rights, that would not be supported by the entity that we wish to set up.

So these are the general principles that we wish to realize in what we are proposing here.

We are also seeking sponsorship for the organization that we are trying to set up. We would very much like the two academies of the two communities, the Israel Academy of Sciences and Humanities and the Palestine Academy of Science and

Technology, as official sponsors—not that we would make our entity subservient to either of them, but we would like to be blessed by both of them in our endeavor.

In addition to that, we are really seeking—and that is the reason for speaking here about the project—we would very much welcome international scientific sponsorship. As I said earlier, I am delighted to be able to hear from the executive committee here that it may wish to join in on this. There are other international bodies that one can think of whose support would indeed be welcome.

As to governance, how would this thing be governed once it is set up? We are thinking in terms of a two-tier system. The upper tier would be an international scientific council made up of distinguished scientists, leading scientists from many disciplines, and internationally based, not based in the region, necessarily. That would be the body that sets the policy and that somehow oversees the general principles of the running of the institution.

The second tier would be an executive committee, which would be a local body. We are thinking in terms of a six-person executive committee, three Israelis and three Palestinians. The executive committee would be charged with implementing the policies that would be set out by the international scientific council and with making the actual grants and awarding the actual support to the projects that would be deemed worthy of support.

We also think of the roles of the director of IPSO and the chair of the executive committee as being rotating appointments. That is to say, when one is Israeli, the other one is Palestinian, and vice versa. When the term of one expires, the term of the other also expires, so that this rotation can be kept up. So that is rotating roles.

Finally, we want to insist on headquarters in Jerusalem, but the headquarters would have to be both in East and West Jerusalem, and in such a way that access to both, to members of both communities, would be guaranteed and would not be impeded.

So that is a little bit about how we want to set it up. Finally, in the last slide, we want to support or fund certain activities. Of course, the main category would be research projects. But if you jump down to eligibility, we will only consider projects where genuine cooperation between Israelis and Palestinians is a central feature of the project. In this sense, it is kind of a science foundation in that it considers proposals for research projects, and then, when it finds these projects worthy of support, it grants that support.

We also are thinking of funding or entertaining proposals for workshops. Again, they would have to be cooperative and be sponsored jointly by the Israelis and Palestinians.

The third one, as you can see, has a question mark next to it, because it hasn't been decided. It will probably be a subject of debate, once we set up the governing bodies of this, whether or not we would want to sponsor training programs as well.

So those are activities to be funded, eligibility, again cooperation. Even if it is cooperation, if an Israeli and a Palestinian want to cooperate in Buffalo, New York, I doubt that we would want to support that, unless it is very briefly there and mainly back in the area. That would, reasonably, be a condition for eligibility for support.

Finally, the processing would be done, number one, by implementing the priorities determined by the international scientific council. I imagine that in the first phase the council would have to limit the scope a little bit, and it would be for it to tell the executive committee what to look for and what to discourage in the first phase. Then, of course, peer review is something that we intend to insist upon.

So the whole project is very much in the tradition of science-support organizations that exist worldwide. We think that creating one of those specifically for Palestinian-Israeli cooperation can have salutary effects not only on science, but also on dialogue between the two communities.

Thank you very much.

Nusseibah – I will say a few words. I do not have much to add on the specific structure that was just explained. Perhaps if it arises later, I might address myself to that.

I would like to say, in addition to what has been said—as a non-scientist, I can afford to make this comment, based on some of the things I have heard this afternoon—in my opinion, a scientist is not good in the general sense. A scientist can be good in terms of science, as we heard earlier, I think, today, but if a scientist actually plays the role of social reformer or conscience and of a leader in peacemaking, then the scientist would be fulfilling the role that actually should be fulfilled not only by scientists, but by non-scientists as well. Insofar as a scientist fulfills that role, then I think one could call such a scientist a good scientist in the general sense in which the term is used.

Now, having said this, I would also say that, as we look at the Israeli-Palestinian conflict in particular, it seems to me that much work is needed in terms of having what I just described as good people engaged in trying to make a difference in the situation, in the sense that what is needed are people who are leaders at the level of extricating both Israelis and Palestinians from the very difficult situation in which they find themselves. I say Israelis and Palestinians because, although one is occupier and the other is occupied, I have the sense that for both Israelis and Palestinians the situation at present is difficult. Looking ahead, looking at the future, the situation will probably become even more disastrous for both.

The reason I say that it is going to be disastrous for both is that the Israelis and the Palestinians live very much on each other's doorsteps. We live at very close quarters to each other. We are not separated by vast distances. Over the past 30 years of occupation, but looking ahead, and if one assumes that the occupation will continue over the next 20 years if nothing is done, we will try and relieve both Israelis and Palestinians from the entanglement in which they find themselves.

What we will eventually see before us developing is a double reality, a double reality occupying the same space, a sort of paradigm of “upstairs/downstairs,” people who live in the First World living up on the first floor and people who live in the Third World living underneath. You can almost already see this evolving now if you move around in the area. You can, for instance, ride in a car and travel along highways linking up neighborhoods or settlements in or around the areas of the West Bank. You can spend 20 minutes, 10 minutes covering the distance from one to the other. You can be moving, as I said, from one neighborhood, enjoying first-rate facilities, to another neighborhood, enjoying again first-rate facilities, which is totally different from what is going on underneath. Underneath, villages are linked up with each other with dirt tracks. Often, it takes several hours to move from one village to the one next to it, with the dirt tracks running underneath the highways.

So we have a very sharp image of cars zooming on top and vehicles dropping on rocks, very slowly, underneath, trying to go from place to place.

Now, if we look ahead to the next 15 or 20 years, and if we cannot, in fact, find a method to extricate ourselves from this entangled situation, it will be extremely difficult for both Israelis and Palestinians to devise a method which will separate between the two vertically, by which I mean in two different physical spaces. We will find ourselves meeting inextricably in the same space, occupying the same space, with a situation where we cannot, in fact, remove ourselves from its negative distortions, except by, perhaps, revising the formula again, in which neither the Palestinians nor the Israelis will be able to come out with a separate national state for themselves.

This is the reason why, in fact, it is necessary for both Israelis and Palestinians who can see this to try to find a way to push peacemaking forward. If this is not happening at the level of the leadership, then it should happen at other levels, certainly at the level of the people. Among the people, who but the scientists and the people who are supposed to be bearers of the truth can actually lead in this direction?

That is why I think scientists, Israelis and Palestinians, have a very important role to play at this stage, to lead in the movement towards creating an environment of peace. It is in this context, I think, that one should look at the proposal we have, which we have just seen, of setting up a joint institution, an umbrella framework for cooperative activity between Israeli and Palestinian scientists. It is not only for the value of science in itself that such institutions, in my opinion, should be encouraged, but for the value they might actually have on the making of peace in the area. Scientists should be encouraged to play leadership roles in making peace, and such a framework might encourage them to do this. It would be good if scientists could do it without encouragement, but if they cannot do it without encouragement, then I think it is well for non-scientists -- now talking about people like myself—to encourage them to play that role.

Erzan – I must say that I am both extremely impressed and encouraged by the common project that has been presented and by the sentiments expressed by the two speakers. But I also find the title of this particular session to be a memorable one. The title, “Science Academies and the Promotion of Peace in the Middle East,” asserts by itself that peace is

an end that should be actively promoted by science academies. This is an important threshold, I think, that we have reached as a network of academies. It is a realization, perhaps, that peace is a precondition for the enjoyment of our human rights, as well as academic freedoms in general, and that the unhampered practice of scientific research and exchange presupposes peace.

It is also, however, a recognition that science academies should have roles of advocacy in society, and not only advocacy, but activism in a certain sense. They can have such roles of advocacy for the furtherance of peace by furthering understanding and empathy between peoples. But more than just a role of advocacy, they have a capacity; they have, actually, the possibility of mediating change, as is demonstrated by this proposal that is put forward by my two colleagues.

Although Sari keeps claiming he is not a scientist, in the capacity of philosopher, I think, in the European tradition anyway, apart from the Anglo-Saxon, he would very much be considered a scientist. So he cannot escape this label.

For this highly commendable initiative to succeed—and we all have a stake in its great success—it has to address some very, very thorny issues that surround it. As a devil’s advocate, I will sort of try to pose some questions in relation to its chances of success. One of them is, of course, the need to engage the imagination of young people, young scientists, both in Palestine, in the occupied territories, and in Israel. Without engaging the imagination of young people to contributing to a building of mutual trust in the conduct of scientific research, one cannot make any headway.

Of course, one thing is very particular in this endeavor. A joint scientific project, a project of scientific research, is probably one of those unique undertakings by human beings, apart from a love affair or something so personal, in which you are absolutely pared down naked to the essentials. You have to be honest and trusting with your scientific partners. If this thing gets going, I certainly think it will contribute in a very positive way because of this particular attribute of common scientific endeavors. The relationships that people build while cooperating on a scientific project are also very special, very enduring.

The project needs the endorsement of the respective academies, the Palestinian Academy of Science and Technology and the Israeli Academy of Sciences and Humanities. Beyond, however, just the procurement of funds or the respective encouragement of scientists to engage in this exercise, they need the blessing of the academies in being able to simultaneously create an atmosphere of free exchange of opinions within their respective societies. This I find to be very important. I find that it has contributed a great deal also to the discussion since the morning, that each academy is responsible, somehow, for creating that atmosphere within its own sphere. This has been a very important principle in all sorts of conflict-resolution and confidence-building exercises. Rather than pointing out the shortcomings of the, so to speak, “other” society or group, each organization, be it a scientific academy or a human-rights association or whatever, is responsible for delving into the shortcomings of their own society and owning up to and critically examining their own shortcomings.

The great tradition of scientists in being able to distance themselves from officialdom, from the official policies of their governments or even the non-official but popularly espoused policies that are taken for granted, should be able to aid in this. It is a great challenge that Sari has posed, challenging this double reality that is being built, across highways that cross donkey paths or across walls that are being erected and isolating communities from each other and cross-culturally from each other.

If one question is how to engage the imagination of young people, the second question is how academies are going to avoid being merely instruments for the propagation of the status quo and endowing the status quo with a cloak of respectability where the status quo is, unfortunately, very far from being acceptable. Such advocacy and activism must therefore be distinguished by empathy for the victims of violence of all sorts, be it civilian violence or be it organized state violence. Academies must somehow lead the way in being responsive to the anxieties and fears that violence breeds within their own societies, as well as within the, so to speak, other societies. They must demonstrate a readiness to listen and to hear the anxieties that are born from the present state of violence.

This I would very much think to be a nontrivial task. Sometimes solutions that seem totally obvious are hampered by unstated anxieties to which we must find an outlet. We must allow them to be expressed and somehow exorcised, before open discussion can take place. All kinds of bigotry, totally entrenched reactions, are at times born from a lack of dialogue, a lack of being able to find the right channels through which to express fears that are instilled in communities through generations of denial. I think my colleague from South Africa provided us with a very apt concept, “denialism.” We must combat denialism in our societies. For this, I think academies need the assistance of civil societal organizations at large, and I think we have a huge amount to learn from the presentation of Clara regarding the experiences in Guatemala.

The local history projects and oral history projects, social research projects, will benefit greatly the kind of initiative that has been tabled. I would very much like to ask whether this is being considered. It may be difficult at first to just have a lot of applications coming in. There must, perhaps, be active recruiting among scientists, and especially social scientists. The Guatemalan experience will have a lot to suggest, perhaps.

In dealing with oral historiography projects, denialism, the denial of the historicity of the present conflict will be challenged. The kind of essentialist traps that the present conflict has been forced into will be exorcised, I hope. The history of the nationalist stance, quite apart from religious or ethnic, but, quite specifically, ideologically modern and national aspects of the question—the historicity of this conflict, once exposed, will, I hope, be able to expose the myths that have replaced the facts, in a conflict that is, in fact, a very recent experience, very recent history, of very recent origins. This exorcism will probably be the most empowering aspect of this initiative.

It will also, in solving perfectly practical problems like access, contribute to a greater awareness, on both sides, of fences and checkpoints and walls, or whatever.

Access to scientific cooperation will be cordoned off, very frequently, just as access to schools, access to universities, or access to hospitals, but with the whole scientific community abroad looking on.

I wish both of you great success.

Discussion

Participant – I would like to congratulate both of you for putting on this very impressive project, which I think is very ambitious, and I think it will require the intervention of the total network.

I believe that for two people that have been in conflict to learn to work together—this is where a third- party influence is going to be very crucial, both in terms of the young and in terms of people who will mediate. I would therefore plead that in actual fact we should look at the total network, bringing in young people from the other communities that will sort of work with these two groups, and therefore be able to stimulate this reconciliation.

I learned one lesson at Stanford, in Paul Berg's lab. You are accepted as a research student, and when you are accepted, you will be operating in a lab that belongs to another group, which worked out pretty easily and allowed communication across boundaries. I think this is where international recruitment will be very essential. I hope other academies will support the initiative.

Participant – Two brief questions. First of all, like all of us, I am sure, I am very impressed. However, how do you see the timetable, the time scale, of that adventure, if I may call it that?

The second question is, if somehow people in the network and other academies are going to be involved, how is the flow of information from your side towards the outside community?

Yaari – I will describe an optimistic timetable, obviously, because I am hopeful. I would hope that we would spend the remainder of this year, 2003, number one, securing international support, and number two, securing the beginnings of a budgetary basis for this—and I think, at least in the first stage, not a great number of resources are needed—then, in the beginning of the next year, to actually announce and advertise the existence of this program and to solicit proposals. Then, once proposals come in, I think it is a matter of efficient management to have them processed speedily and to move from the state of assessment to the state of implementation in a matter of two or three months.

Now, the flow of information is something we are looking to our colleagues around the world to give us the channels for. In other words, we want this to be known

and to be supported. Once we get signals of support, I am sure we will find the channels to communicate with those who support us. I am not sure we need to communicate with those who do not. If we do, then that is a problem. I agree that communicating with those who do not necessarily see eye to eye with this kind of initiative would be difficult. But I am not sure that that is vital. We need to communicate with those who do support it.

If I am missing something, I should be corrected on this.

Participant – How do you explain the fact that you are dealing with political reality and you are saying that you are nonpolitical? I read one of your principles there. I think what you are trying to say is that you are not a political party. But you cannot divorce what you are doing from the political reality. So maybe you should find a different way to express that or remove it, because human rights is a political issue. We are here as scientists addressing that, which is quite political, and what you are dealing with is a political reality. I think one needs to be quite careful to address that.

So I would either remove that little principle or find a different way to express it.

The second point I just want to make is that I think somebody said one group is occupying and another one is being occupied or something like that. I think both of you are occupying each other, one maybe physically, the other one in the mind. If you cannot sleep because your neighbor is worrying you, they occupy you.

So I think the question of occupation is really a philosophical one, where you perceive the occupation to be occurring. So I think you should maybe look at it slightly differently.

But it is also an interesting project. The question I want to ask is, what would happen if you were to decide, as scientists, that the leadership is going to be located at one place, and do not choose that place; if you were to say, “We trust each other. We are going to locate this either in East Jerusalem or in West Jerusalem,” and work that way, rather than saying, it is going to be here for two months, and the next month it is going to be in that place? That is what I would call a different kind of relationship, making a decision, as people who trust each other, that it is going to be somewhere and people must follow, because you can deliver that kind of trust. Otherwise, you are going to be subjected to the various machinations that take place between the two communities. When it is on the other side, something will happen, and the leadership will say, “Let’s wait for three months. The leadership is coming back to us. Then we can do this.”

Those are some of the issues.

Nusseibah – I will say a few things. First of all, with regard to politics, I probably see the point. I think that everything one does in life is political. Certainly, the way that this is going to be established and the purpose for which it is being established is very political. I suppose the idea of saying it is nonpolitical is to make it look innocuous to politicians. But maybe another way should be found to do that, to express that.

With regard to the philosophy of occupation, I think you are quite right, of course. Part of it is philosophical. But, unfortunately, part of it is very, very tangible. You are right in the sense that both Israelis and Palestinians are entangled in a dance of death. One of us may feel more comfortable some of the time than the other. But that is why I said earlier that, if you are looking ahead, then actually you can tell that it is going to be terrible for both. The more we struggle with each other—it is like quicksand—the more quickly we sink. And both of us are sinking at the same time.

We realize this. At least I realize this. I think on the Israeli side, they will tell you, probably, that they are suffering—some of them, anyway—as much as Palestinians, perhaps in different ways.

But however one looks at it, the point is, it is an abnormal situation, the one that we have. It is distorted. We need to rectify it. We need to take very radical steps and measures in order to rectify it. We cannot just stand around and let it happen and see it happening before our eyes, the sort of inevitable sinking that I think both sides are now feeling more and more. That is why we need radical measures, and civil society is very crucial in this. This may be an example of a civil-society leadership movement. But other parts of the society are just as important, as I was trying to say earlier.

On location, I see the point, again. I do not think we have any problem, either side. Fortunately, we are a little bit liberated, both of us, from having to—I was going to ask Menahem to come and represent me at this meeting, actually. He said, “But both of us have to come.” I said, “But I trust you to come and say exactly what I would have said, on my behalf.” So we do not have that problem.

Yaari – Just briefly, it is obvious that we are in a politically charged situation. What was meant there was nonpolitical in the assessment. In other words, suppose someone submits a proposal, and it is known that this person voted Likud. That would not affect it. Suppose that we know that this person supported Hamas. It does not affect our evaluation of the proposal. That is what we mean by nonpolitical, and I think that should remain like that. That is number one.

Number two, I think I would reinforce Sari’s—it was not the idea that we should move the offices, to have them oscillating, two months here, two months there. It is just that it is important for the operation to be easily accessible to people, without any discomfort. That is all we meant. We are going to see to that.

Participant – I want to insist on the political part of it. You need political support to get this project through. You both will be accused by the people at large as traitorous. I agree with the colleague from South Africa. You need to get political support for this plan to go through.

Participant – I was very, very happy to hear about this project. I think both the detailed specification of the different steps and different features of the project are very, very positive, and also the justification for it. I can only hope that everything will work out well.

The main worry I have is, of course, what Ayse Erzan emphasized, namely that one be taken to just promote the status quo. Of course, one of the main aims of such a project might be to bring out what would be a better solution to the situation than the one one presently has, because there have been a lot of decades of grave injustice. The problem is, how can one repair that? A project like that could very easily be a tool to repair what has been happening. I think it is very, very important that one looks back at the same time as one looks forward.

Participant – [Not at microphone]

Participant – I thought that you could have a virtual center of the two programs, and not have this oscillation. Since you trust each other, the location is sort of not essential—

Participant – In cyberspace.

Participant – In cyberspace, yes, because that is how we communicate most of the time anyhow. The international advisory council does not have to be in one place or the other.

You mentioned training. Maybe in terms of bringing international support, to have the possibility for young scientists to come, either to Palestine or to Israel, in this program, to participate in the collaboration, might generate a different atmosphere and be a constructive thing for the whole program. I think it is a very good idea.

Participant – I have just realized that there are precedents. I do not know whether it is possible for both of you to see what data can emerge from looking at the positive effects of cooperation of scientific bodies or sporting bodies, between the different Cold War scenarios, China-U.S., U.S.-Soviet Union, China-Soviet Union, the two parts of Korea, the two parts of Germany, the two parts of China.

The other group that has had various situations—I am not talking of internal civil war, but between countries—is the two parts of Ireland, where there has been, until recently, an armed-conflict type of situation, but not as bad as in the Middle East, of course. Then there are Iran and Iraq, as to whether there is anything going on, and the last world war, what kind of scientific cooperation could continue during the war situation. The other one where there are very interesting things happening is between India and Pakistan, where there is perceived to be like an armed conflict, face to face, at least, from time to time.

It might be interesting to see whether there is any useful information on possible opportunities or possible pitfalls that can emerge from some kind of examination of scientific cooperation in those situations.

Participant – My question was going to be similar: If you are aware of any joint research that already exists between Palestinian and Israeli scientists in matters that are common, like earthquakes or climatic effects and things like that, which could be used as examples that this could work, because people have done it before and it is possible to do, and it is not just a dream; it is something that has happened and could be followed.

Yaari – There are dozens of joint projects already, less so in the last two-and-a-half years than previously. I think the largest number is in medical sciences. Then there are three well-known projects in water management. There are some projects in developing educational programs and similar projects. The one that I am most familiar with has to do with learning disabilities in Arabic-speaking schools, both in Israel and in the Palestinian Authority.

So there are quite a few. We certainly aim to build on that experience. I should say that the university that Professor Nusseibeh is president of is in the forefront of these. I think the largest number, not just relatively but absolutely, of projects that are of this nature are, in fact, done from his university.

Nusseibah – May I just add something? We know that things like this exist. I think the purpose here would be to try to, not institutionalize, but facilitate and create the infrastructure for encouraging and fostering a natural growth pattern, so that things are not dependent on fashion and on time and circumstance, but there is a kind of constant power of creation that is there in the background.

Maybe one should say this also. Unlike, perhaps, some of the other situations, including, for instance, between the Arab countries and Israel, the Palestinians and the Israelis are, as I said earlier, living on each other's doorsteps. So you have images that each side has of the other, the paradigm images, for instance. The Palestinian has a specific image of the Israeli soldier. The Israeli has a specific image of the Palestinian. Many of the images are not necessarily positive.

Now, the idea, perhaps, here would be to try to create a transformation in the images that each side has of the other, slowly working towards mutual respect, and actually recognition, to come to a point that was mentioned earlier, of the humanity of the other, and therefore of the dignity, and therefore the need to address that dignity.

So there is a kind of long-term effect, hopefully, that will evolve out of this kind of cooperation between people that are otherwise very closely engaged with each other.

Participant – I would like to make two brief comments and then one slightly longer one. I know time is pressing.

First, I was slightly concerned by Professor Nusseibeh's disclaimer that he was not a scientist. I hope that this program of scientific research will, of course, embrace the social sciences and the humanities. Otherwise, it will be losing a very critical dimension of the whole process.

Second, I think one of the critical and more practical areas is going to be mobility between the two communities. If this is to really achieve so much of what should be achieved, it should be possible for scholars to cross from one community to another, to spend time in one community, and in that way, to break down those paradigms that you have spoken about.

There was some reference—and I should refer to it here—to Ireland and to programs of cooperation between the two. I think that is where the political does come in. If there is a perception that there is a movement towards some peace process, the momentum is then established whereby it should be easier to generate funding and international support for something like this. The Irish peace process—I am always very concerned about people in Ireland, who think that they have lived through something that is truly traumatic and miserable. There is a perception of people in Ireland that they are the most miserable and oppressed population ever. I personally, as a historian, am always horrified by this and spend a lot of my life trying to refute this perception.

But it is possible to tap into resources on that basis. There have been quite a number of schemes to promote cooperative research between scholars throughout the island. They have been very positive in a broader scholarly sense, and they have also been very positive, I think, in breaking down precisely those stereotypes within some sections of the community. I do know, within Ireland, it is quite common to work very closely with fellow scholars, not to know their politics that closely. You can sometimes suspect them, sometimes to misread the religious community from which these people come, which is, I think, always wonderful. You know somebody for X years, and then you suddenly realize they have actually come from a different religious tradition to the one that you supposed.

So those things can be very beneficial in the broader sense. I think one of the things that saved Ireland from some of its worst difficulties is that throughout the most difficult times, we did travel one to the other. We met at conferences. Those networks never broke down. We kept them going as individuals, and subsequently, we got support, which I think just built longer and much more deep-seated intellectual groups.

I am proud to say that I belong to the Royal Irish Academy, founded in 1785, and therefore an all-Ireland organization, at a time when there was no other alternative, but which survived through that and remains an all-Ireland organization today.

Cohen-Tannoudji – One more question. We are quite late. Any other questions or comments?

I would like to thank all three of you very much for this fascinating and stimulating discussion.

Wiesel – I am now going to ask Pieter van Dijk to give concluding remarks. After the concluding remarks, we have a bus waiting to take us to dinner.

Concluding Remarks

Pieter van Dijk

I want to reassure you that I will not give a summary of the many things that have been discussed during this colloquium. In fact, Ayse, in her presentation, already gave a summary of most of the important issues that were raised.

But I want to say a few words of appreciation. I think that today's colloquium again proved convincingly that it has been a very good idea from the start of our network to always combine our biannual network meeting with a symposium. By joining the network, we all, as members of the network, take up the responsibility to promote scientific freedom and to take an active stand in the promotion and protection of the basic rights of scientists and to help to create conditions for their full enjoyment. We do so on a personal basis, but also we commit ourselves to encourage our academies to take action and to join any coordinated action within the network.

To keep this duty in focus and fulfill it in our daily professional lives, with their overloaded agendas, their never-ending stream of e-mails and other requests requiring quick responses, and their many discouraging developments and reactions, we all need constant inspiration, encouragement, and reliable information. The speakers at this symposium and the themes they addressed provide us precisely with that, I think.

Especially during the last two years that have passed between our Paris meeting and the present meeting, we had a lot of discussion within the executive committee of the network, but also with individual members, about the contents and scope of our mandate and about the functioning and activities of the network and the autonomy of the individual members. We will discuss this again tomorrow. This discussion made us again aware of the necessity for the network to evaluate and perhaps reconsider its original goal: To provide a framework for coordinated action for the promotion and protection of scientific freedom. With a rather specialized mandate, we will contribute in the most effective way to the many actions and active groups in the field of the protection of human rights, but we, too, have to place this mandate in a broader context.

In any case, the mandate of the network does not imply any restriction for us individually as scientists, nor indeed for our academies. All of us have our own responsibilities and duties as scientists, to contribute to a better society and to protest against authorities, institutions, individuals, and developments that endanger the human rights and human values of society.

This colloquium has presented us with a number of examples of thoughts concerning the relationship between the position of science and scientists on the one hand and human rights and human values on the other hand.

I think that I may say on your behalf that we are most grateful to the organizers of the colloquium, and especially to the speakers, for having provided us with these thoughts and this topical information from their own expertise and their own experience, which has given each of us the inspiration and encouragement we need for the coming two years, especially in moments of doubt about whether our efforts can really make a difference.

On behalf of the executive committee, I thank the Council of the Swiss Scientific Academies for hosting the symposium. I once again thank the speakers for their thought-provoking introductions, and I thank you all for your important contributions and your presence. We are confident that we are better prepared for a very active next two years. I personally am grateful that I was today in the audience.

Thank you.

[Thereupon, the symposium was concluded]

Workshop: Supporting and Defending the Rights of Scientists to Freedom of Expression

Welcome and Introductory Remarks

Harald Reuter

Good morning everyone. Welcome to the workshop, I believe this second part of our meeting will give the possibility of great discussion.

The location of Monte Verità, the Mountain of Truth, does offer a unique opportunity for open discussions about various aspects of our common goal: the defense of human rights within the international scientific community. We could be criticized for being too narrow in our scope of human rights. However, I believe it is the strength of our Network that we fight for our colleagues around the world who suffer from offences against their basic rights, such as freedom of opinion and expression, as agreed upon in Article 18 of the Universal Declaration of Human Rights from 1948. Our colleagues are people that we can identify and help to protect and defend through our Network. Scientists must responsibly and peacefully defend not only the *freedom*, but also the *universality* of science and research against adverse political and authoritarian influences. We must not do this by violence, but by convictions based on our conscience. We must be aware that the Declaration of Human Rights has clearly stated that these responsibilities imply “recognizing, respecting, promoting, implementing, and fulfilling” all the fundamental stipulations of various human rights conventions. This has been forcefully expressed during our last meeting in Paris by our late colleague Karl Eric Knutsson. Nevertheless, we are aware that, in spite of this universal agreement, there are *continuing* violations of these conventions all over the world. Scientists are particularly prone to be exposed to these violations for several reasons:

- 1) By the very nature of their occupations scientists are in the search of truth. This can lead to conflicts in their thinking, convictions and actions with political powers. Suppression or falsification of scientific perceptions contradicts the search for truth (an old and warning example is the case of Galileo Galilei).
- 2) Science is an international enterprise, and scientists must be allowed to exchange their ideas, concepts, and results freely with their colleagues in other countries. This must not be hindered by governmental or authoritarian decisions. On the other hand, boycotts of scientists by their colleagues, as protests against the government of a country where they are living, are equally unacceptable.
- 3) Science, among other things, is dealing with global problems, such as global warming, the dangers of global epidemics, the worldwide fight against hunger and poverty. These urgent questions need to be discussed openly and must not be neglected or suppressed for political reasons.

These are just a few problems that may lead to conflicts between scientists and governmental powers. They are aggravated by unilateral political pressure and decisions. Human rights include clear, but peaceful opposition against such interferences. We must not tolerate that our colleagues worldwide have to suffer offences, imprisonments or even tortures, solely based on the expression of their convictions.

The goal of this workshop is a free discussion of problems associated with various aspects of the place of human rights in science. Thank you very much.

Overview of the Network's Accomplishments and its Evolution

Torsten Wiesel

Even if this is kind of a formal setting, I do not want you to be formal. This is suppose to be the heart of our meeting to this workshop. Each of us should try to pick articulate thoughts and have an open discussion. I think it is critical for this to work—we don't want people to...their conversions...have not interactions. So I want you to keep that in mind and emphasis the ideas and discussions openly. I will not ...yesterday and I do not want to repeat myself.

Some of the issues that we will discuss later today and under the various panels and as we know the executive committee indicated its support for the Israeli-Palestine program that was presented on yesterday afternoon ,and thirdly I have something for some members of you here that perhaps individual academies would not support such an activity and my response was that each academy is independent. Each academy can make its decision. This is a very important feature of this whole organization that we are a network. Each academy as an individual entity acts on its own and works together on issues that we share and we have in common. So therefore the statement made was the members of the executive committee who are here, who are here, all agree to support this and we have contacted the other members the executive committee and they also support us. So, if you are positive that you are strongly in support of it, you are welcome to support it. But its not binding support from the entire Network, in principle, even if my hope would be that would be the case.

So, now, we did yesterday an experiment and one of the reasons for this experiment was we wanted each of you to feel that you were getting to participate by having regional meetings. I think my feedback from various groups and members here was that...so we want to have time this morning to hear the reports from the chairs and other members if they don't like what the chair says you should feel free to express your opinion and I think that would be kind of a good way of starting the day for our interactions.

Reports: Regional Group Discussions

Regional groups were organized to give academy representatives from the same region an opportunity to get to know each other better in an informal setting, to discuss issues of science and human rights of particular concern to their academies and within their regions, and, we hope, to decide what steps might be taken to strengthen representation within the Network by academies and scholarly societies in their regions. Each group was asked to prepare a short written report that briefly describes the issues that were touched on during the regional gathering and particularly those issues that might also have special relevance to academies in other regions.

North and South America

Peter Schindler, Switzerland – The group discussion that we had on the Latin American/ North American countries show that the as they are presented by the Committee on Human Rights of the U.S .National Academy of Sciences are not common in the Latin America, there are other problems.

In Chile, human rights is not an important item in the Academy's agenda. There are no known cases in Chile involving scientists.

In Colombia, the biggest problems are very basic that are unthinkable in Europe and North America; it has become almost impossible to do any fieldwork. The paramilitary formations do not hesitate to kidnap and kill scientists in the field. Consulting for the government is difficult because scientific findings may be in conflict with economic interests, so answers to requests for scientific opinions are written, not by scientists but, by lawyers. Scientists are reluctant to shoulder the responsibility for issuing a scientifically sound opinion that displeases the government or special interest groups. The insecurities are threatening science.

In the case of Cuba, the term human rights has been so badly manipulated that it should not be used. The relevant committee is more concerned with ethical issues. The Academy is a state institution established by law in 1861, but it is independent of the government. Some of the cases reported are related to offences against Cuban law; it is not possible for the Cuban Academy to act in these cases.

Guatemala does not have a functioning academy; Clara Arenas represents a research institution in the social sciences. There have been longstanding contacts with the U.S. National Academies' Committee on Human Rights in the Myrna Mack cases, as documented in the red book.

Conflicts may arise in Latin American countries when scientists are asked to issue analyses and recommendation regarding environmental issues. Ecology often is in direct conflict with economic interests, e.g. regarding touristic exploitation of natural habitats.

Canada's Royal Society has a Committee on Freedom of Scholarship and Science that actually predates the U.S. Committee Human Rights and has had longstanding relations with it. Canadian issues are retirement age, conflicts between students and universities, etc., but not the kind of violations as reported by the U.S. Committee on Human Rights.

Costa Rica – One problem that we face is probably economic pressure of scientists. It is not political persecution and in some cases it may or may not involve a threat to your life or well-being. When scientists are doing work or coming to...that we put...economically activities. I would like to mention the case of Costa Rica where biologists are finding that the environment is very fragile and invasion of tourism can put these areas into jeopardy. There is all this pressure from the tourism industry to not say anything or to stop the scientists from doing field work in this area and...national disasters, volcanoes are very active and scientists speak up and say this is dangerous to this area. And there is all this pressure from the tourism industry to scientific groups and scientists that are doing to field work to try to stop them from doing this. I don't know of this would be in the scope of this Network but I just wanted to mention it is a problem that we face.

Wiesel – I think you are a very fortunate country in Costa Rica in the sense that this is where you have main problems, may in other countries. In some ways perhaps it is more fitting for other organizations to deal with environment problems then for us. This is after all the Network of Academies involved in human rights and as I...yesterday we focus on prisoners of conscience, individuals that are in prison and not prosecuted fairly, and the statement about more principals like...we will discuss later. We are certainly sympathetic to, interested in environmental problems but...

Participant – But I think it is an issue of scientific freedom. No doubt this is...scientific freedom it depends of course on the forms of the pressure used upon, if you can't resist that force I think you are imprisoned. Maybe you are not in a prison but you an imprisoned scientist.

Wiesel – Although tourism is very hard to...I mean having been to Costa Rica a number of times, I understand what you are saying but it also wonderful situation compared to many other countries.

I'm concerned about the situation in the United States. There is a case that is coming up later about imprisonment of individuals being persecuted...that is part of the situation in North America. Canada I don't think has any serious problems.

Eva Kushner, Royal Society of Canada – There are serious problems insofar as the discussion who gets to make...also...of the Network and what the Network does...our attitude in Canada has been to concentrate on the cases that the Network presents to us. Partly because us the bad organization on our part, we have haven't participated in more general discussions of issues of human rights internationally. The attitude at the Royal Society is that if there are internal problems to give you one example, the age of

retirement in the universities is something being discussed and it perhaps an issue of human rights but it's handled as something we have specific institutions to deal with and therefore the cooperation with the Network focuses on what the Network presents to us and that perhaps restricted...capable of doing. We would certainly like to participate more in the general problematic that are being presented to us here. This is a very narrowly focused response because I pay a lot of attention what we are called to do, call to cooperate.

Colombia? – I would like to say the threats to our scientists, the main threats to our scientists are not coming from this state or from governmental members; it is coming from this aversion. In a way this groups are very sensitive to international conceptions and international pressure. Last year, for example, there geologists executed by the Sumario which is.... I believe...tried to use the Network in these cases, although it is not the government. I think the pressure of an international network can be very useful in these cases [inaudible]

Participant – That's an interesting situation. I actually...that. Part of...of national human rights commissions in many countries, the human rights commission does not have a responsibly to be with terrorist organizations. Sri Lanka human rights commission has the responsibly, not that it is permitted, it actually has the responsibly to communicate with terrorist organizations. Terrorist organizations can.... If they are committing human rights offences than.... Now Amnesty International, for many years, did not communicate with terrorist organizations but now they do and they changed their policy, I don't want to the year wrong, I think somewhere between 1991 and 1995 or so. I think that was important and I think the challenge of the Network, if the scientists are killed for exactly the same reason they would be killed by government or imprisoned or tortured by terrorist organization for the same reason they would be tortured by the government, then I suppose it becomes the Network's...in someway.

Wiesel – It's an interesting, we have a no experience...have to special tries with terrorist organizations.

Aluwihare – We had this experience and we have, people have said...and all sorts of things. Our answer is...and I don't want admit that but.... When, for example, they shut down my hospital, ...opened it for us.... I think it's a fact of life.

Corillon – I would just like to mention that we had some cases of Polish scientists in Chechnya that were taken as hostages. It was very difficult for us to figure how we could communicate so we really the help of the people in the country to tell us give us guidance on that. It is not always obvious to look up on the internet and find the address. It is more complicated of issue.

Participant – A great question of state security down the line where...infrastructure...and how do we classify that...address the issue. We take for it granted that this scientists can continue work...infrastructure for people to do that...I am sure Carol would say that...with other people but also...

Corillon – I think we have to try extra hard in countries where there is not as strong of an infrastructure, we just try everything that we can. So I think there are some countries that are not really involved in the Network because it is so difficult for us to...depend on almost everyone is email because in is inexpensive and we can send one message to everyone but in countries where we know there is probably going to be a problem receiving them, we try fax or phone or hand mail or all of them together. I think we have to be really attuned to that problem.

Participant – I just wanted to comment that within our group also the question of communication, increased communication, among the members on the academies was commended yesterday and we would like to encourage the committee, the executive committee of the Network to increase communication with local academies and with countries in the Network.

Sub-Saharan Africa

The International Human Rights Network's primary purpose is to use the influence and prestige of its constituent members, in a collaborative manner, to actively defend the rights of scientists, science professionals and scholars against any form of persecution for expressing their opinions and professional duties in the service of mankind and in truth on the basis of the standards set out in the United Nations charter of the Universal Declaration of Human Rights.

The Network academies and scholarly societies are respected all over the world and in their communities because of their widely recognized dignity, integrity, and objectivity and for which reasons their advocacy and interventions are quite often well noticed and are often an influential tool in promoting respect for human rights. The Network therefore stands to provide support for member academies when their members and individual scientists, engineers, and medical professionals are subjected to repression and their scholarly works are undermined because of opinions they have expressed or political reasons. The Network, through the gathering up of information and exchange of human rights data and experiences, collaboration and communication among academies and understanding of issues of human rights in science, technology, and health are encouraged. The Network generates and encourages awareness, education, and a commitment to take appropriate actions within other academies and scholarly societies across the globe, through submission of letters of petitions to authorities on behalf of colleagues who are deprived of their freedom through imprisonment and threats to their life. The Network ensures that representations are made to observe the due process of trials of those so deprived and who are charged in of law.

The Network's main focus is on scientists and the abuse of their rights.

The Network should strengthen data gathering and collection of relevant information in the constituent academies in sub-Saharan Africa, for dissemination within the Network.

The different academies in the different regions of the world must be careful not to enter into political arena in their regions of the world. The different academies must encourage the establishment of human rights committees and ways of monitoring their response to human rights issues in their regions and other parts of the world. As human rights issues vary in different regions of the world, the different human rights committees would continue to review what constitutes abuse of human rights in their respective regions and ways of responding to it appropriately and collaboratively within the Network, in the sub-Saharan specifically on issues related to diversity, conflicts, and women and children's rights. The constituent academies voice in the region must get the support of the international community to make a difference in their region.

The human rights committees of the constituent academies in a region must promote a networking of activities on human rights issues in their regions, to raise awareness in the region and generate reports of activities that would encourage other academies in the region to support their initiatives and also promote the formation of human rights committees. These reports of activities and information gathered in the region would be fed to the executive director of the Network, Carol Corillon, for dissemination and supportive petition from the Network.

Awareness and consciousness generating activities should be encouraged through holding regional meetings in between biennial meetings of the Network for exchange of experiences and information within the region and to promote the formation of other academies and scholarly societies to develop human rights committees. Public understanding of science should be promoted in different regions most especially in sub-Saharan Africa. Conference organizers should as much as possible reform the host countries in the countries the speakers and participants for the conference in order to ease issues of visas in the different countries of participants. Openness through information gathering and increased access to information would be encourages that would raise early alert on corruption and repression and the information would be made available in seeking help for abused persons.

The Inter-Academies Panel (IAP) specifically would be encouraged to promote continental initiative in sub-Saharan Africa in respect of promotion of teaching of science to children in order to arrest the in the teaching of science in sub-Saharan Africa and other regions with similar constitutions. The IAP should invite the Network to be part of the advocacy in promoting proper organization and teaching science in sub-Saharan regions of the world. A strong advocacy should be made to stimulate curiosity and imagination in children through the development of science and continuous education in science.

NASAC, a network of academies in Africa, should be supported by the Network to promote science progress in Africa.

A proposal should be made to the Network to endow a prize in the memory of Max Perutz for the promotion of science teaching and production of science education material that would impact the teaching of science and promotion of curiosity and imagination in the different regions of the world. The prize would have an international committee and an international jury. The prize would follow much the of the award would in science for special encouragement of early science education. The international committee would reform the also to raise funds. Through a prize, recognition and support for science would be encouraged in the developing countries.

Advocacy through human rights Network to encourage governments in sub-Saharan Africa to use science and technology for development and also increase investment in science and technology and development. Advocacy would be developed to encourage governments in sub-Saharan Africa to exempt import duties on science and technology teaching materials and books, most especially as a morally issue when they are given by donor countries and organizations. The Network should give moral support to academies that are subjected to unfair treatment by their governments through effective data gathering and dissemination of such data, information and experiences to enable Network to effectively respond to such treatment and if possible to have been proactive about threats to the awareness of such treatment.

The women in conflict situations and cultural practices would need to be specifically addressed within the Network and promoted among the constituent academies and scholarly societies not only on sub-Saharan Africa but in...regions of the world.

Scientific ethics and promotion of correct practice like reformed...in professional practices honestly should be practiced in all scientific activities and misuse of science should be discouraged and counter terrorist promoted. Vocational Academies should report to the Network violations and abuse of scientific ethics for dissemination.

Advocacy and activities should be promoted in the academies of right to drugs, vaccination, right to appropriate treatment and correct of drugs.

Middle East and North Africa

Ayşe Erzan, Turkey – Unfortunately, a number of people on this list could not attend this meeting, so this group met with Professors [Joshua] Jortner and [Menahem] Yaari from Israel and societies from Palestine, [Said] Alloush from Jordan, myself from Turkey, and we were fortunate to have Torsten Wiesel and Carol also attend the group meeting.

What was really high on our agenda was the breakdown of the peace process in Palestine and Israel and...cooperation to create a forum for freedom and critical expression ...the dialogue...peace process and appeal to certain optimism in the area...One of the themes was that regional cooperation should be expanded to include not just Israel, Palestine and Jordan but include Turkey, Egypt, and other North Africa countries and the range of activities should be common to the region.

I should sort of go by country. I am from Turkey. Of course we have had to deal with issues of torture, maltreatment in prison, detention center. We have had to create a platform for these issues to be discussed. Another was owning up and understanding our own peace treaty and other problematic issues that continue to create problems and recognizing special cultural needs and...of current population within the country and the academy helps, or tries to help, by creating a platform for the free exchange of ideas on these contentious problems.

In Jordan, there was an interesting point raised by Said that individual rights were not necessarily strengthened by the state but also by impressive social institutions. And while I got the impression that...of certain social institutions could be instrumental as the state in helping the freedom of expression. In of course Palestine and Israel, the state occupation constitutes the greatest problem and threat to the enjoyment of human rights in general and not just individual human rights but the interaction educational and academic activities goes on because of the security measures to be taken. Punishment, in fact extreme punishment, without due process is a continuing problem and the destruction, I got the impression of the viability of the whole country by security measures in various forms is a common problem that has to be faced and discussed and overcome in order to...the peace process.

It was clear that the Network could help in linking the issues of peace and human rights to scientific collaboration and education and perhaps in finding ways in educating people to be more sensitive to each others needs or societies and instituting a culture of respect for human rights of the individual visa vi repressive social practices or social pressures as well as...from the state. The suggestion which was made to be discussed of course in the afternoon session, of a specific program for scientific collaboration to build bridges between the two societies. I am sure other members...

Said Alloush, Royal Scientific Society of Jordan – Thank you. I believe that one of the major points, one of the most important points, is the region is big. We have 20 countries in the region, represented were only four. The discussion was overshadowed by the Israeli-Arab conflict. It is a severe conflict; it has prevailed since 55 years and consumes an amount of the resources in the area for armed forces, resumes through three wars, main wars during the last 55 years and many, many armed conflicts through this period of time. Naturally it is one of the most important and severe conflicts but we believe there are other issues in the region that we were not able to discuss because we don't people from inside.

I believe there is a lot to do in Iraq now after the war. I think the Network has to attract people from the Iraq science because they will have their own problems related to human rights, related to the destruction of the infrastructure of sciences and they need international help now to rebuild the infrastructure and to enable the Iraqi scientists to reintegrate in the international community again.

So I am thinking what can be done in the Network to attract these people, to attract as many representatives as possible from the region because if it is a community as small as it is now although we have...of our discussion of yesterday is to build communities and attract, with the help of the Network attract people not necessary only by this meeting which will find a place only every two years but with the help of the Network in other...in preparation...

One of the problems I think of attracting people is that, from other areas, from developing regions, from north of the countries maybe people think this is a political issue and their fear if they go about, they will be isolated or punished by governments. We have to find way and means of how we can meet together, how we can discuss.... I happen to find the activity of the Network in relation to the conflict in the Middle East and I believe despite these few conditions...the Network was able to do a lot.... One example is..., and there are so many other examples.

Wiesel – Thank you. We did discuss about the possibly of having a regional group of academies who would interact. One problem we have had to bring other countries in the Middle East and North Africa has been that maybe some hesitation because of the dominance perhaps traditionally from more of the Western world. Our hope is by these regional discussions to give each region a sense of a voice and each region can sort of interact more in this area that might be helpful for them to be freer to go and...

Participant – I must mention at the end...several from the academy of sciences in the United States, in 1995, that they invited a representative from the region and discussed the possibilities of working together in project...and I think that was very ...because...

Haarland – Do you think it would help for example if say the executive committee would invite one or two people from the region personally for a small meeting to discuss the issue at stake of doing this at the biennial meeting only because it would somehow possibly promote the awareness and also the importance of such a collaboration within the region in a relatively small group, like for example together with the executive committee.

Wiesel – I think it would help.

Participant – What would be the consequences if you would invite people for example from Iraq. What could you offer, do you have funds available? What would be the further consequences of such an invitation?

Wiesel – My impression is that I recently talked to some people from the United Nations in Cyprus. There are already quite a substantial amount of funds to support Iraq and they were asking for the identification of people who could corroborate in a new Iraq...I think one really could be to identify certain persons who are interested in scientific cooperation and then make a link to the United Nations or some other organizations, as I think this network would not be able to offer any financial support. I think this could be one way but otherwise only to discuss this situation with no real funds might be very difficult.

Participant – I believe funds may be one of the possibilities but I think the Network and all should know about what the problems that scientific people are facing and what problems are scientific institutions are facing because they have been away for a long time and they were exposed to the war for the last five or six years. So it is time that the international organization...now after the war, what is the need for the scientists for the human rights be to...now after I think is a very important issues regardless of the financial issue which could the Network take message to other international organizations...

Erzan – I am really glad to you brought up this issue which due to our sort of partial representation was not raised in the meeting. There is a different, further aspect to what you are saying which I think is very important appropriate to address in a gathering of scientists and that is the ecological disaster that has resulted in this area and does not concern just Iraq. But since the first...the consequences of the so called particular uranium ammunition that are used have caused huge damage which is highly documented. ...so on especially in the south of Europe. This has compounded with the incredible amount of weaponry ammunitions that have been dropped on top of Iraq. Iraqi scientists will need all the help that they can get, expert help, from scientists abroad. This is a very concentrate issue and certainly as threatening to human lives, not only for existing people but also for generation to come.

This is not certainly just a matter of funds, it is a matter of know how in making a realistic assessment on this situation and finding ways of cleaning up and this needs as much scientific innovation or much more as went into the designing of the smart bombs that have been deployed in this conflict.

The involvement of the Iraqi scientists apparently Carol said she was not aware of an Iraqi academy of sciences but involving Iraqi scientists and other scientists in the region in making an assessment of the extent of the problem and joining together forces to create a taskforce to help with United Nations coordination perhaps the clean project that has to accompany any reconstruction project activity attempted in the region. This should be a priority.

Alloush – There seems to be another aspect directly relevant to Iraq. Now there maybe scientists in Iraq who have forgotten their rights and obligations to society in they may or may not have done or developed things which might badly affect the rights of others. Equally there may be scientists in Iraq who in the current situation could be subject to a variety of inappropriate pressures, financial or others. In order either cooperate genuinely

or falsely or admit to things that don't exist or hiding and so on and so on in the current situation. The obligations of these scientists and their human rights. Is there a place for expert communication, not with the UN government, the UN government...as of last night. But Communicate with the Spanish, and British, and American government about making sure...to treat the Iraqi scientists in genuinely civilized manner without subjecting them to inappropriate..., even though they may be scientists who have forgotten their obligations. I think that is a very interesting, it's a difficult one because if supposing we have a scientist who hasn't gotten involved in anything and we find out later he has been... in some way or another. We will then have to run around rescuing him. Is there a situation now where we can try to open up to these people and...least pretend they are appropriately treated not subject to undue pressures.

Participant – It is impossible ...the Network can know exactly what to do, what action to take...

Wiesel – You have to be or so...Human Rights Watch they have shifted focus away from cases to more and more into policy, telling governments what to do and not do etc and etc. Some of them suggest...give guideline or etc which hasn't been the way or operations here. The Network started out caring about colleagues who were imprisoned for reasons that has been the focus. And then we have gotten into the moratoriums statements and some of the...but this still another expansion into unknown territory. More than the...we should try to do things well and accurate. Carol, she has two assistants; they have the National Academies to run. So Carol has to do everything herself to do with the Network. So we have to be careful that we don't become so widespread that we become ineffective.

You know there are many cases in various parts of the world that we try to focus on and help we lose that aspect of what to do but I think we not really continuing our mandate...we can help in situations where urgent need...The Iraq situation in my mind is obviously a tragedy but we don't know enough about the details and there is no obvious way how to receive the information necessary about scientists and to write the state department, you know we like, that's a whole series of activities that we are not necessarily prepared for. I mean we don't have the man power to do that.

Participant – But I think it is the Network's responsibility to let scientists in Iraq know that there is a Network that would be ready to stand up ... **[inaudible]** They have to know that the Network exists and...

Wiesel – We have on our committee in the United States, a local committee for the academies, we have a member who is from Iraq, Hakim, and we have information through him and he is working contacts with colleagues in Iraq so we are trying to monitor what is happening.

Corillon – But does anyone else hear have contact with scientists in Iraq because that would really help?

Participant – I know at least two people...

Corillon – Could we prepare something, what sort of thing would we send them, information about the Network. Let them know that we exist and what we do.

I believe that UNESCO could be in conversation with...and they don't. It is hard to respect what you were saying about member in the academy in the United States. There is a difference between people who live a long time abroad and people who live...

Wiesel – Iraqis who live in America, their families are in Iraq that has been a continuous interaction so it's a pretty good network of scientists in the states and in Iraq who communicate. Your point is well taken.

Participant – I would like to suppose the suggestion of I think the basic principle of truth guides us is to adhere to the basic principle of international scientific freedom and I think Iraq needs the help.

Now from the point of view of the region, the Middle East, yesterday, the wonderful region, and I felt that they really want peace and the... accomplishments of our gathering and you are discussing **[inaudible]** extending the scope of Network activity for academies in the Middle East and North Africa and I will...Iraq as soon as possible. And it has, we have yesterday also an additional extremely important potential contribution and this is really following the needs and modalities for regional cooperation. So I would say we should really proceed in that direction simply for sake of Professor...

Participant – Thank you very much. Maybe I would like to make a small point regarding how we can help Iraqi scientists. I think the best way would be to ask the Iraqi scientists, do you know somebody who knows somebody in Iraq and perhaps we can prepare a list of these people within Iraq. And rather than we tell them what the Network can do for them, we get a better idea to find out what the Network could do for them, let them come with the help they need from the Network.

So I think if we can find in Iraq who have been working there and under the same circumstances what are the major problems presented to the scientists and how our Network could collaborate with them in country. I think this is...for them. We are there to help you but I think basically what kind of Network to come from that side **[inaudible]**. The Network, in addition to provide all kinds of help that they need because we soon forget that our Network has its obligation and whether that be Iraq and whether that be Arab is something which I think is the magnitude of the problem is the only obligation for the Network.

Wiesel – I think each of you has the same opportunity to find out within your country what the needs are and communicate that to us. I don't know if the Iraqi academy, if there is such a thing, probably needs to be restructured etc, so we have to work with

individuals now until the scientific community in Iraq can come together and organize itself. I think these are opportunities for us to be very helpful.

Asia

Wiesel – There is no other area like the *Middle East* and if anything it is I think it is half of the world population and there are only four members so I don't know if you will...

Participant – Four members, but what members.

Participant – We are conscience of the fact that we are a very small number of people but we have tried to draw whatever knowledge we have of, in particular India, Indonesia, Malaysia, China and so on. It is complete but we have tried to group our information in order to help.

In defining human rights standards the interaction between the universal declaration and Asian historical cultural views need to be considered. The concept of 'universality' should cover countries geographically, that is 'horizontally' and also 'vertically' (over time). There is no regional human rights court- national courts are developing proper hoc (instead of posthoc) or proactive decisions relevant to human rights. Many countries in the region have or are developing human rights commissions of varying degrees of independence, and more liaising between their academies and the Network with these might have to be considered. In some countries a letter from the Network to these commissions asking if the Network can do anything to help regarding scientists may be appropriate. Academies are considering whether they or any other umbrella scientific body is the best place to develop a cell.

The mandate of the Network should include supporting scientists affected either because of their viewing out of particular scientific research or because of a view stated as a person of consequence on a political matter. The Network should also support an academy in a similar position, and correspond with a government of the country concerned or even an academy or government in another country that be affecting the country concerned. The Network should also draw the attention of scientists and academies in any situation where they are forgetting their responsibilities and by their actions are adversely affecting the rights of the people their country. Where regional efforts exist their expertise should be harnesses in the situations described above.

Apart from what is being done already, writing to them and/or the human rights commissions in the countries might be a suitable step to provoke the relative academy into a response about joining or being active. The human rights commissions' linkages might also be exploited to assist Network activities.

Wiesel – Are there commissions in many countries?

Participant – Yes, there is in India, Indonesia

Participant – Indonesia has a big one but...Indonesia has one, South Korea has but now..., Australia has one, New Zealand has one, Japan I can't remember. So there is actually quite a big network of human rights commissions and they have contacts in China also. That is actually, the Asian human rights commission network is one of the most active human rights commission networks.

Wiesel – What sort of members do these commissions have?

Participant – People like you or him, I was yes. So they are usually...by bipartisan consensus and they are a mixture of...lawyers, senior policy analysts, and others with human rights work and so on.

Now, the Indians are not here, the scientific commission but they have been very, the human rights commission has been very innovative and active and they have an investigative team which is included in their mandate by inquiring from person concerned are you [inaudible] and that sometimes solves the problem.

Many difficulties in getting visas—cost, distance to the place to be visited, attitude of economic North countries and so on. The question arose as to whether the Network has the resources or whether can Network maintain a database of accredited scientists to which embassies can refer and then consider granting 'scientific' visas to those named in the lists? This might be a way to getting the North economies interested.

Major gap is the lack of input and involvement from India and China.

Apart from major abuses of scientists' rights, like imprisonment or torture which are relatively uncommon in the region, even they are uncommon in China. If you consider China has 1.2 billion, proportionally they are still relatively uncommon.

But what is much more common, and this interesting is this arose from all the countries that were represented, which represent economic North countries and economic south countries, many subtle pressures on scientists or academics who express independent opinions on scientific or political matters (e.g. promotions, renewal of contracts, funding, etcetera)— linked to politicization of society but pressure may come from the government of home or other country or a multinational company whose activities and trade relations may be effected by scientists expressing their opinion. Scientists might also be tempted to 'tow' a political line for personal benefit.

One thing that was mentioned was the Network could help protect intellectual property rights of third world scientists.

Wiesel – Thank you, very good. There's a number of issues, one of the things, we put the question of visas because that is something many of us have.... Many students want to receive training in the states and so we were very interested to learn about what kind of difficulties you have if any in terms of having students obtain visas. Now, it used to be

very quick, now it takes at least sometimes half a year or three months and many people have gotten used to that. I don't know, are there any comments?

Participant – [Inaudible]

Wiesel – Carol pointed out to me that this is coming up in, Arjuna is leading a discussion about this problem in the afternoon. [Inaudible]

Participant– Well, I think we already had a discussion within our group so I am afraid I do not have much to add.

Yoshiyuki Sekiguchi, Science Council of Japan – [Inaudible]

Wiesel – Do you have in Japan a commission, a human rights commission?

Yoshiyuki– Not that I know of [Inaudible]

Wiesel – Does that committee work under the Chinese, you said this smaller group of three countries, China and Japan and was it South Korea?

Yoshiyuki –Not yet [Inaudible]

Wiesel – Do you think there is an inclination among the Japanese scientists to form an independent academy? Could that be discussed at all?

Yoshiyuki – Yes [Inaudible]

Wiesel – It's interesting; I mean there seems to be from what we have heard some countries where the government actually gives support to the academies but there is still some complex relationship, like in South Africa that you mentioned, even if they are settled. It's interesting because over the years we have been happy you have been able to come but it...

Derek Denton, Australian Academy of Sciences – In sense that Australia has moved up the biogenetic tree on human rights since we last met with the president of the academy, remember Torsten? He took the view, the president, that any members of the academy were completely free to pursue and court the Network in anything they wish to do, but there is no formal position of the academy.

Since then we have had a change of president and that's actually accelerated things and the present position I think is that we have moved to have an actual committee. Professor Sarstargen has been very helpful on this and at the moment, I think literally today, there is a meeting in Australia which would actually situate the four academies there, the social sciences etcetera, around the academy of science on the human rights network, to bring them all in, which cumulatively would give us at best another 1,500 letter writers. So that's the hope on the way things are moving and I hope

by next meeting you know we have some possibility of action. There has definitely been an improvement.

There are other ways in which we can improve major insensitivity, like an understanding in department of foreign affairs. For example, I believe we have amnesty in Katmandu but can't issue visas so if a scientist in Katmandu want to come to Australia he's got to go down to the Delhi, to the...section to try to get a visa, which is half...or something like that. The areas of blatant insensitivity that probably have to be...but over all there are some signs of improvement in Australia.

Wiesel – You know, in Australia, you don't want anything to go to your head but you have become sort of a role model to some extent for members, an observer here can actually land on the.... I think it is very important that you try to emulate this process.

Any other comments from, you don't have to be in this group before if you have experience or insight about this general area and ideas of what other step the Network should take in order to activate some greater interest in the region, that would be welcomed.

It is a contrast here. We have the next group in Europe, a large amount of people but seems to be in reverse proportion the problems and the numbers. I think maybe if there are no other specific comments from the Asian region, we should turn to that. But I would say that it is onerous that we would like to see both India and China at these meetings in addition to the Korea south and north, north probably not for a while but I think these after all are areas where we clearly could perhaps be helpful in many ways.

If scientists or colleagues travel this area, if you can make contacts and discuss with your colleagues about the issues related to human rights and see what kind of possibilities there are.

Haarland – It is not exactly to that point but Air France does fly on Sunday. That is the information that I just got. There is no strike happening. There has been, they have called actually the administrative people Swiss and also Air France and they will fly, there is no strike.

Wiesel – On Sunday?

Haarland – On Sunday.

Wiesel – Even to, you said something about Dutch.

Haarland – No, no, I didn't say anything about Dutch.

Participant – There is never a strike in the Netherlands.

Wiesel – The Air France strike is off.

Haarland – There is no strike, I don't know whether there has been a danger of strike, but there is no strike.

Europe

Dagfinn Føllesdal, Norwegian Academy of Sciences and Letters – This is the report for Europe, the gentleman from Europe and the report is divided into two main parts. The first part has to do with human rights issues, the second one, with the establishment of human rights committees.

When it comes to human rights issues, we surveyed, suggested, and we then discussed them and ended up discussing certain points more in depth and those points point toward groups. So I am going to report issues that we discussed and then I will turn to the establishment of committees.

The first issue that people felt was a serious problem in Europe was the visa problem. Torsten has already mentioned it and it's coming back again in the afternoon but only for a very short time of a half hour discussion periods I think we mention very briefly what we have here. It's mostly the waiting time that alters the purpose of people from many countries to participate scientific work and that's of course excuse but a large number of applicants for state from the developing countries and also from the Eastern European countries has to do something with it and during our discussion something very interesting came up from Lorna Casselton. That the U.K. ministry of science is raising the issue of a special visa for scientists and I ask that she could say a few words about that now and then we could think about it more for the discussion.

Lorna Casselton – Well I think you have actually.... It is a matter that is going to be brought up perhaps....the idea of a meter, a scientific meter, and I think we just throw that out now as perhaps a talking point for later in the afternoon and people can think about it, whether it would be a practical thing.

Føllesdal – ...of maybe solving this visa problem. The second issue that was important in Europe was how we treat foreign scientists and refugees who come and would like to have a job corresponding to their education or what few have scholarships to studying. There is unfortunately a good deal of discrimination going on in European countries in that area.

The third point that was mentioned was the fear of... supervision of some form of communication. For example,...excuse by the fact that he has to watch out for terrorists.

And the fourth issue were problems among scientific academies.... First the academies have some problems...one another and secondly there was this problem with the Serbian academy, there was this memorandum that came out and the academy says they had nothing to do with. In any case, it is convinced of as having something to do with the academy and anyone who wants their academy to really come out clearly and

say that they distance themselves from the comments of that document. But in any case if the executive committee might try to encourage...all of the Balkan academies to participate in the meeting and that maybe ALLEA could also play a main role in trying to get those academies going...

So these were the four issues that we thought were especially important in Europe. Among other issues that were suggested to us we have that question now freedom of research on biotechnology has not been so much a human rights problem but a very difficult technical problem which would be dealt with by some other organization committees working on this difficult issue.

And the second part, the establishment of human rights committees and that's also considered, Torsten mentioned earlier today that is some of the countries in Europe have now human rights committees but not all. In fact, the majority don't have it and one problem here is that many countries that have different similar academies—there might be academies for the different scientific fields, there might be, as in Belgium and Finland, academies depending on what language one uses and there might also be some regional academies—and it seems to be agreed that human rights committees ought to be joined committees for academies in certain country, and as for Germany academies we learned from Johannes Eckert that there is work underway to try to create one national academy in Germany, which would then be the national location for a human rights committee.

Then everybody present in our meeting very in favor of establishing human rights committees as part of academies but there is some resistance against human rights committees because there are many scientists who say that academies should not get involved in politics and they regard human rights work as getting involved in politics. In such cases I think that one should point out that human rights actually is uncontroversial and it would be very hard to be against human rights. Secondly if there should be assistance, well I think it helps in order to convince the academy just quote some of the cases where the Network has been involved and especially to quote letters of thanks from the people that we helped through action of the Network. Faced with these letters of thanks, I think it would be very hard for an academy to resist the establishment of a human rights committee.

And then...for such committees...it might be useful to have a homepage, some page under the academy for the human rights committee and for that purpose it is important to know which documents that we received from the Network that can be put on the homepage and response should not be made public. That might have to be indicated if the academies establish a homepage. And also it's important that the Network use electronic means and not convert...countries like Iraq and Kosovo and members of the committee but also other members of academy have special contacts in the scientists...who then could also find good contacts in these countries that would...letters to Israel.

Wiesel – Very good, thank you. And there may be other voices in Europe. Yes?

Thomas Rene, The Royal Academy of Sciences and the Arts, Belgium – In Belgium, they don't have a problem of human rights but I think our immediate problem is to convince our academies to actively to create an official committee and to really do something. From that you find I would like to come back to question which was discussed but not fully discussed during the session of yesterday evening and it was alluded to by Professor... It is a question of whether or not our activities should be considered of a political nature.

Some people have very strong felt that fact they are political and in fact I think that one of the problems to convince the committees is that it is very easy for an organization like that to view...as a pretext that the academies are not involved in politics and so on and so on. So, I think that we have to convince our academies that our activity is essentially not political. In fact this may seem difficult in some way, especially after a memorable session like that of yesterday evening but I think, in fact, believe as long as the problems are treated in an impartial way and fully...way not to fear that these academies... **[tape ends]**...and extending and recognition and to promote freedom of expression even though we have found political incidences. That it is...to describe our activities as nonpolitical and unless you advise me to act differently, my intention was when I go back to Belgium not only to give a report of this meeting but that this report would be really a good way to convince people that...to do something and I think that to convince them we have to convince that activity is not essentially political. Do you agree?

Wiesel – Yes, because I think all that such action...

Rene – And I am not trying to...in fact so far the two academies in Belgium who have been, the French and the Flemish Royal Academy of Sciences, Letters and the Arts but there are other academies...French, Flemish, etcetera. And I think after all that was said here yesterday and today, I feel that we could do...easy to convince all the academics together than to convince just two academies because when, to convince the two academies and when there are two, one French. Unless if you take all the academies, the division is not only of this standard but it is also a division of according to the field and I think it might be more efficient and also we would have, it would easier to have the help of people like the ...for instance, with a member of the academy of medicine.

So I think maybe we should try do as they did in Germany, try to have all the academies making small committee and within this committee one person, which by the way would not be me because I think they should take somebody younger and...and I am not. So a small committee with one person responsible to send letters and within academy to ask his colleagues their feelings.

Wiesel – As you know there is no age discrimination here so I think what you said is very encouraging to us. Christian de Duve was a representative from your country in Rome and so I think your positive position here would be very helpful and we welcome you to...

Rene – We have friends at...as well as.... They both insist.

Wiesel – Thank you. Any other comments? Yes?

Participant – I would to comment at least this is the first time I have been to one of these meetings but it seems to me that there is a recurring issue of fear of scientists becoming politically involved and I think that, it seems to me, that this is something we have to think about what are the pros and what are the cons of us being politically involved or not being politically involved. I mean, if we talk what is science, I mean there is field of political science, there is politicians deciding on priorities in terms of research and for me it seems like we can't afford to not be, to become politically involved at some level and it seems, I don't know if that is, that is probably not right time but I think this is something we have to think about in the future.

Wiesel – I agree and it depends on how you define political. I mean you come work on stem cells now if you are a scientist without becoming political. Human rights is after a universal declaration all countries have signed on to so to foster this rights of scientists and scholars seems to be nothing political in sense but it is a right that all citizens have.

Reuter – I just wanted to enforce what you are saying because I mean the declaration of human rights is not just an issue for governments. It is a thing that every one of the countries that the human rights declaration has been signed it is effected by and should be able to make use of it. So whatever political in that sense means, if you take the declaration of human rights seriously, then I think we should follow it, we should all follow it.

Participant – Just a practical point, I was surprised that there this problem of people being political in Belgium and what we do is we can canonize the president of the society as president in the name of the society would not sign these letter but the chair of the committee can and individual committee members can and then we copy the letters to the president. So it's still political but this way nobody could say the royal society is taking a political stance.

Wiesel – We have a slightly different procedure in the National Academy of Sciences. I sign the letters, private letters to the heads of governments from the committee, the national committee in the academy, but sometimes it is necessary for us to go public. We always then go get the approval from our president to go public. There have been times where we have written letters signed by the presidents of the academies in order to still put additional pressure on, like we did in the Wen Lee case in the United States.

Each country of course has to work out their own procedure that is more suitable to the circumstances within any given country. The procedure of—this may come up later—again to ask each member of the academy if they are willing to write letters and they have probably have about seventy percent of the members of our academies are willing to write letters on our behalf, 1,700 people have said that they will write letters on cases. What I say is to recommend to you that if you do establish a committee and then

communicate and invite your academy colleagues to become correspondents. It is one way of engaging them in the process. All 1,700 do not write for each case, for certain cases they feel very strong about and then they write letters. We get copies which Carol keeps.

It is interesting—our committee is the most popular activity in the academy, of all committees. So I think that you shouldn't hesitate because I think we as scientists and intellectuals care about these matters perhaps in just a matter we get over the threshold that people think that we are becoming political but to convince people that in a true sense this is not political. It's a right and not a political issue, even if there are political implications.

Sorry, I tend to talk too much, I apologize. So yes, Dagfinn.

Føllesdal – I have only one final remark before we go to lunch and that is that it is so important for the work of these committees that we have highly reliable information about each case I think on behalf of...we would like to thank the secretariat and Carol and Torsten for providing us with this very, very good...and I think we would also like to thank the National Academy of Sciences who are actually paying for the secretariat. Thank you.

Wiesel –There is under tab 4, since we are to be extending this discussion on reports from the regions all morning and I did so deliberately because I thought this is a very natural way for us to leave a number of issues that would come under the heading of network operations and responsibility so many of the operations and responsibilities have been touched upon this morning. There is an issue that is under tab four that you may have looked at and...could have an opportunity to, it is a note from Gerard Toulouse, who some of you in Paris know Gerard and this is of course more relevant in some ways to the question several of you have raised about political situation. This issue is perhaps more closer to concern than has been expressed by some members here.... I don't know—Ayse do you want to comment on this?

Erzan – The proposal that was submitted by Gerard Toulouse and you can find under tab four has to do with academies expressing themselves for peace and against armed conflict, against war, and scientists having the responsibility and duty of alerting everyone to the possibly harmful consequences of their activities and discoveries, which means their active involvement in arms research as well as innocuous research that could always possibly be put at the use of warlike activities. This message has a forward and it's worth reading a few lines from it. Toulouse quotes Paul Ricoeur saying, "Ethics if the concern for a good life, with and for others, within just institutions."

My impression is very much that people around this table share this sensitivity to justice as forming the basis of the kind of exchange that we would like to enjoy with each other and as for also forming the basis for human rights that we would like to protect. Gerard has expressed his surprise and dissatisfaction with the fact that scientific institutions all over the world failed to take this stance against the threat of war and

finally the war that took place in the Middle East against Iraq, whereas religious institutions, for example, did take a stance.

Now, I also have inquired of the Executive Committee whether they think of taking a public stance against American aggression in Iraq and this was not found suitable within our network by my colleagues but since I feel very strongly about this—and I thank Torsten for giving me a chance to address you—and Gerard's proposal that the priority of law should be protected, and that it should not give way to the rule of force, and it befalls science academies also to see to it that the rule of law is protected otherwise human rights does not really carry much weight.

The Universal Declaration of Human Rights, on which we are basing our human rights activities, or so we say, says in Article 3 that everyone has the right to life, liberty, and security of person. It also says in Article 28 that everyone is entitled to a social and international order in which the rights and freedoms set forth in this declaration can be fully recognized. To me, this ties human rights in a necessary way to the maintenance of peace and to the maintenance of the rule of law. There is no exception made in the Universal Declaration of Human Rights for states of war or for states of armed conflict in which these articles would not be enforced and I submit that war is a situation where everybody's right to life, liberty, and security of person is violated, combatant or not. And this we have very graphically of course just see very recently. And social and international order in which the rights set forth in this declaration can be fully realized is in fact a description of peace.

Therefore I can not be comfortable with the conclusion that our mandate only extended to the protection of various human rights, such as the freedom to travel, or to not be imprisoned without due process, or obtain visas, or whatever and does not extend to making sure that scientists as well as other human beings live in an international order which would be able to assure that rule of law and the possibility of actually enjoying these human rights and so to me it would seem a very appropriate under the Network's operations and responsibilities, under the heading of the protection of human rights of scientists we naturally subsume all possible efforts for the maintenance of peace and for the institution of ethics which questions scientists becoming involved in arms research and which forcefully pleads that scientists make the public aware the possible dangers and misuses of their scientific discoveries and practices.

Wiesel – So, feel free to comment on this issue, in the States often when there is a situation like the war in Iraq a number of scientists signed a declaration in opposition to the war as individuals rather than as an organization. That's a different mean of protest, giving each individual a choice and not having an organization like the Network say we speak for you but each of you have to make up your mind on this issue. Like what happened in Turkey, scientists, as I understand, as you said before, they actually went to congress as a member of the academy and protested the war and the situation I must say at least to me what happened in Turkey was amazing in terms of declining to allow American troops to, in spite of the fact that there were 30 billion dollars on the table. The...but still. So the effect of this lobbying by the scientists...later on. It is a rare case

for scientists in an organization, it is more the academy of such rather than the human rights committee that, in my mind, should make the decision and I don't think the United States National Academy would take such action.

Erzan – This was also personal, it was not a decision of the academy as such but we could go as members of the academy.

Participant – In that way, my position in the executive committee was determined not by me approving of American action in Iraq but, and I signed personally the declaration, but I thought as member of the executive committee I was also representing my academy and I was not sure, well yes I was sure, that my academy would not support a full condemnation of the American action. It is of course complicated if you say peace because the concept of peace is difficult to determine; whether you can always achieve without arms is a question of debate and humanitarian intervention is also supported by international law and if you see the recent discoveries in Iraq and we see that maybe there were no arms of mass destruction discovered but there were mass graves discovered and then the question arises whether humanitarian intervention in 1991 could not have prevented those massive killings in 1991. I am a little bit hesitant to say in a very general way that we as human rights group should always be against humanitarian intervention and in a preventive way. Secondly, I think we as a group, as a network, we have to a little bit careful in defining our mandate. I agree with you of course also human rights conditions that are absolutely necessary in order to create an atmosphere in scientific freedom but I am afraid that if we make our mandate too broad we could lose several of our members.

Wiesel – We have a very clear mandate and we have limited resources and if there is an up swell from the members of the Network that something should be done in a given situation then we obviously then have to communicate with you all and get advice. If we take steps that would be different from what you thought we were going to do in terms of our main mandate. I think the executive committee felt that we were going to stay within the mandate that we had and not certainly without having a broad discussion about the issues would evolve and grow into what I would say political actions, lobbying congress or whatever I think my opinion was the members of the executive committee made prudent, I don't know if it was right.

Føllesdal – I am very much in favor of scientists following up this proposal from Gerard Toulouse and...in the position mostly that we should really let our voice be heard with international law...and of course with legal expertise...most academies find out that it is quite clear if international law is violated or not and that because of their expertise academies ought to let their voice be heard in...case and of course we can always do things as individual scientists. We can sign declarations but one reason we have our network is that we feel that individual signing is not always as efficient as having more a more established institution...it, like academies and the Network. It is of course hard to get academies to agree on protesting against violation of international law than it would be to get a network like this one to protest. On the other hand, I have learned from the efforts to establish committees on human rights in academies that of course that wider the

mandate the harder it will be to get the academy to establish such committee. We have to have a...here and as it is maybe it...of protecting the human rights of scientists is all we can hope for just at present.

Wiesel – I think that is very much. I mean that's not insignificant.

Føllesdal – That is very much but I would be very much in favor of trying to introduce some...to propose some prize.

Wiesel – There is a prize for everything in life and you have to be careful to stay. I mean at the present time we want to be pure in a sense to get more countries involved in, and more academies in different countries, to get involved in the Network in order to fulfill the mandate that we have. We are not doing necessarily a sufficient job so we need to have...and I would hate to jeopardize that. I mean there is always going to be crisis and things happening in the world and everybody want to participant and make statements but maybe we should stick to our mandate.

Participant – Mine is a question, I don't know if this is related to this debate. What about the use of scientists for manufacturing of jobs for warfare? Because this may be one of the reasons why somebody would like to go out and beat up somebody else because it is presumed that fellow has got jobs for warfare so you make jobs for warfare.... How does this come into debate...?

Erzan – The way I see it is that if we are debating also the ethics of science, for example my colleague from Nigeria mentioned, and this comes very much under whether we as science academies putting further standards for the protection of human rights may not also consider laying down certain ethical guidelines which involve the discouragement of scientists from...research.

Gabrielle? – I want to put now question which was never discussed until now. I think that the mandate is taken too broadly for this Network whose first purpose is to...a discuss of the legitimacy of science, second, to fight for the rights of scientists. And my question is: How is the cooperation with other organizations, with other Networks like Amnesty, like Human Rights Watch, which have seen a lot of things, couldn't they be possible to stay very strictly to a specific mandate and to work together with the other Networks which can take cases which are not so not so specifically in the...

Corillon –Yes, we work very, very closely with Amnesty International and rely heavily on them. Within the last 10 years or so, we've also been able to provide them with a considerable amount of information because we have direct links that they don't necessarily have. So we have a good relationship, a balanced relationship. Of course, they have a huge staff and a lot more money. With Human Rights Watch, I am on their board for Africa and Torsten ran their arms committee and we have a very good relationship with them as well. They don't take on cases so much, it is more policy-oriented but we work very closely with them. And we are in touch with Physicians for Human Rights, Pan-international, we work with all of the different groups closely as

staff. The whole Network isn't really involved but the staff on our committee is very, we are in touch daily really.

Wiesel – So in the Network...

Participant – I think a useful distinction to be made here is between violations or infractions of human rights that have occurred and violations and infractions of human rights that are alleged to be about to be performed. I think...future acts one also has uncertainties about not the case when you look at what you are told has happened and you are trying to work for the correction of the wrong is alleged at least to have taken place. So I would support the greater care the Network can exercise in making a judgment on what was about to happen a greater insistence of ...which was to have happen. Maybe now after the war there is something that the Network observes as something that has happened that needs...by the Network but I would agree that it's probably a good idea to be doubly careful about making pronouncement about things are which to be bad into the future.

Wiesel – We also have to keep in mind that...

Participant – **[inaudible]** What is the limit of the mandate? I think the problem in Iraq already is quite a challenge for which we need to be quite clear what exactly, what really is the mandate and where do we come in, both in respect to the scientists whether they are producing weapons of mass destruction as what the Network...intervene preventing...a state of war or after.... I think the question being raised is already we like to take back to clear obvious mandate so that we know what our needs are. My colleagues are going to ask me in this situation.... I mean that's, I want to be quite clear...

Participant(Arjuna?) – I think the document is very interesting. I think judging according to the church, with respect to the church is not particularly useful because the church had been ordered in term of its position since the time of the Spanish Inquisition or the Crusades, or the time when...and the church came with the army. So to me the problem here is that the silence of scientific community and not the silence of the Network that is the problem. I think the Network's mandate is to protect scientists who express their opinion irrespective of what it might have been. Some scientists have said we need weapons of mass destruction and if that scientist got in trouble with his government for saying that, we would have to rescue him. Now I don't think we need weapons of mass destruction, but that is another story. Equally, if a scientific academy said preventive war is wrong and that academy, all the scientists who said that lost his job or visa or whatever as a result of stating that, we need to rescue that guy. So our mandate, as far as I can see, is to run a rescue operation and a protective operation for scientists who express an opinion or express an...on a particular situation do it peacefully and do not attempt to incite violence in order to make their point or endorse their point. And that's it. I think we are able to do that in sense that we are able to switch from..... For example, take the present situation. A dozen Iraqi scientists who worked for the government...and he says openly that he thought this was the correct thing to do this why it necessary and so on. And he is not being violent, he is peacefully expressing an

opinion then if someone tries to do something unjust to him, we have to protect him. If we do that we are then going to be accused by somebody that espousing weapons of mass destruction that is not the point. The point is scientists have a freedom to express and carry out any of their research and we can not...about the ethics of what they are doing. That is different. But if they get into trouble as a result of expressing an opinion or exercising their freedom to carry out research maybe we have to help.

Wiesel – That is a complicated thing. If you look at the German situation...people actually experimenting with...but...

Participant (Arjuna?) – But what I am trying to say is our ability to help between those difficult, depends on sometimes a government feeling we are not trying to get rid of a government, they are merely trying to protect the scientists. So, sorry?

Participant – Not in all circumstances. You can not protect scientists in all circumstances because he has also his or her responsibility as a scientist.

Participant (Arjuna?) – Yes but I think in this, maybe I overstated. In this situation, for example, if all scientists at the workshop got together and expressed their opinion on this. Because the individual science academies were afraid that even if a scientific body expresses an opinion now that they.... And that kind of thing. People were afraid that...**[inaudible]**

Wiesel – Your point, you seem to pretty much agree about the position. I think that these are obviously very difficult kind of issues and it is nice to have different opinions and even though on the executive committee there are different opinions. It is very healthy as far as I am concerned. The other...to discuss. I don't think that major executive committee probably still sees that...decision. And if all of you raise your hand and say no we wouldn't have a more active, aggressive Network and we would have to re-discuss it and consider it some more. I think from my sense in the room, probably we can go have lunch.

Discussion

The Network's Operations and Responsibilities

Freedom of Expression and Opinion and the Responsibilities Implied

**Chair: Pieter van Dijk, State Councillor, Netherlands Council of State;
Former Judge, European Court of Human Rights;
Network Executive Committee Member**

I think that it is appropriate to choose as a device for the present theme the following well-known statement by Voltaire:

Je ne suis pas d'accord avec ce que vous dites, mais je me battrai jusqu'au bout pour que vous puissiez le dire.

I do not agree with what you say, but I will fight for it to the bitter end that you may say it.

Indeed, freedom of opinion not only consists of the right to freely hold and express any opinion one wishes, but also of the duty to respect the same freedom of others and, what is most important, of the duty of tolerance with respect to those opinions of others with which one does not agree.

This implies that, although freedom of opinion is one of the basic human rights, constitutes one of the core elements of true democracy and is one of the most instrumental rights for the effective enjoyment of other human rights, this freedom cannot amount to absolute freedom of expression.

In fact, all international human rights instruments in which the freedom of opinion is guaranteed expressly provide that the freedom of expression may be restricted by law for the protection of certain public interests and for respect of the rights or reputation of others. See, for instance, Article 19 of the International Covenant on Civil and Political Rights.

The public interests that have to be respected include the protection of national security. Expressions by which the Head of State of a friendly country is insulted or the national flag or other symbols of such a country are disrespected may be prohibited, as may – and, indeed, under international law must – expressions propagating war or advocating national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence (Article 20 of the same Covenant). The disclosure of State secrets may also endanger the security of the State.

The public interests also include public order, which include not only the French concept of *ordre public* which means public policy, but also the order in public places.

The public interests finally include public health and morals. Misinformation about medicines or advertisement of unlicensed abortions may be prohibited.

The rights of others that have to be respected include, first of all, as I said before, the right of the other person to have and express her or his opinion. One may challenge that opinion and engage in a debate, but one may not in expressing one's opinion, make the expression of the other opinion impossible, unless the other opinion precisely violates the public interest or the rights of others.

The rights of others also include the right to freedom of religion. When expressing an opinion, one should keep in mind and respect the religious feelings of others. That does not mean, of course, that one has to accept the other's religion as a right one or even the right one, but one has to tolerate that the other does not share one's own religious or atheistic opinion, which also means that one should not hurt those feelings by insulting the gods, the ministers, the symbols etcetera.

The rights of others include the right to respect of one's reputation. In expressing an opinion, one must not insult another, unless one can prove that the negative information given is based on reliable sources.

This framework for freedom of opinion and expression is relevant and applicable to scientific freedom. Scientific freedom, as well, presupposes respect of the scientific freedom of others and requires tolerance with respect to different opinions, different terms of reference, different research methods *etcetera*. One may, of course, dispute the correctness of the other's opinion and initiate discussions, but always with respect and tolerance.

One should, however, not misinterpret the concept of tolerance. A claim for tolerance loses its credibility if it originates from a person, institution or authority as a defence against the reproach that precisely that person, institution or authority shows a lack of tolerance. Indeed, a person suspected of theft, who before the public prosecutor or the criminal court would plead for tolerance with respect to his pattern of values concerning property rights would, of course, be confronted with the counter argument that he has violated a norm which he is subjected to as a member of society and that his plea for tolerance is prompted by mere opportunism and selfishness without him taking into account the respect he owes to his fellow citizens and their possessions. In its essence, tolerance consists of mutual respect.

Freedom of opinion and expression demands from the authorities primarily that they abstain from interference with the exercise of that freedom. They may not exercise preventive censorship in respect to the contents of an opinion to be expressed or published, nor may they prohibit the means of expression in such a way that this would make the expression practicably impossible. They may exercise post-factum censorship

only in order to establish and prosecute violations of certain public interests and the rights of others.

Freedom of opinion and expression may also demand affirmative action on the part of the authorities. They must provide the means necessary for everybody to express their opinion, including those who have no easy access to channels of express, e.g. political opposition groups, national minorities, the have-nots of society.

Freedom of opinion and expression must also be maintained and enhanced by private persons. First of all by those who wish to use that freedom: politicians, journalists, scientists, human rights activists, in fact everybody. One should be aware of the risk of censorship, but also of the risk of self-censorship. And one should support each other in expressing one's opinion rather than assist actively or passively in the suppression of these opinions.

What does this mean for our Network and its goal and activities? The focus is on scientific freedom and, in a broader sense, freedom of opinion and expression of scientists and scholars, and their right to personal integrity, personal freedom and human treatment. Whenever and wherever those freedoms and rights are violated, we speak out on behalf of the victim or victims. They need confidence beforehand that, if they take certain risks in expressing their opinion, they may count on the support of the scientific community if they encounter repercussions. The trust in that kind of support will encourage them to speak out freely and not to surrender too easily to suppression or self-censorship.

However, they are entitled to our concern and action only, if they themselves have respected the limitations of their scientific freedom and freedom of expression set by certain public interests and rights of others. Their scientific freedom must have been guided by responsibility and tolerance. And the Network and its members, on their part, when reacting, must take into account those same limitations and be guided by tolerance. Here, again, tolerance does not mean showing understanding for violators of human rights, neither with regard to the claimed victims nor with regard to the alleged oppressors. Scientists and scholars, as well as academies and scholar societies, may support the policy of their governments or may resist it. But in both cases they have to respect their scientific responsibilities, the rights of others and certain public interests. They have to be tolerant but must not tolerate suppression of fundamental freedoms and rights.

Scientists and scholars cannot be neutral, nor can academies and scholar societies, if it comes to defend scientific freedom and the rights and freedoms of fellow scientists and scholars. In their action and reaction, they have to show independence and impartiality but not neutrality. Their science may be neutral, but they cannot hide behind that neutrality when scientific freedom and freedom of expression are at stake. Their position in society as scientist or scholar creates special duties and responsibilities, not only vis-à-vis their fellow scientists and scholars but to all members of society.

This, in my opinion, is the framework within which we may discuss our action – and possible lack of action - during the last two years on the part of the Network and its Executive Committee.

Terrorism, Science, and Human Rights

**Chair: Arjuna Aluwihare, President, National Academy of Sciences of Sri Lanka;
Executive Committee Member**

**Freedom to Pursue Scientific Research and Health Care
Chair: Gideon Barak Okelo, African Academy of Sciences**

Genetics and Diseases

Chair: Harald Rueter, Member, Council of Swiss Scientific Academies

Obstructions and Boycotts in Science; their Relevance to the Network

Chair: Peter Schindler, Council of Swiss Scientific Academies

The Importance of Communication between Scientists and the Public

**Chair: Claude Cohen-Tannoudji, French Academy of Sciences;
Executive Committee Member**

Summation

**Ayse Erzan, Turkish Academy of Sciences;
Executive Committee Member**

Discussion of Future Directions

Appendix A – Speakers’ Biographies

Appendix B – Executive Committee Members Biographies