The Ploughshares Monitor

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The migrants’ dilemma

People fleeing El Salvador, Guatemala, Honduras, and Mexico are caught between unending violence and U.S. border fences
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"and they shall beat their swords into ploughshares, and spears into pruning hooks; nation shall not lift up sword against nation; neither shall they learn war any more." Isaiah 2:4

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From the Director’s desk:

Six spurious arguments against a nuclear-weapons ban

By Cesar Jaramillo

This year’s multilateral negotiations toward a legally binding prohibition on nuclear weapons reflect a growing global recognition that a nuclear-weapons ban is an integral part of the normative framework necessary to achieve and maintain a world free of nuclear weapons. For some observers of nuclear issues, in and out of government, they also constitute a welcome disruption of an otherwise lethargic nuclear disarmament and nonproliferation regime.

Resolution L.41, “Taking Forward Multilateral Nuclear Disarmament Negotiations,” which was adopted by a wide majority at the UN General Assembly last December (123 for, 38 against, 16 abstentions), epitomizes a new political reality in the nuclear disarmament realm. Founded on the humanitarian imperative for nuclear abolition, it bears witness to a widely-held perception that the Nuclear Non-Proliferation Treaty (NPT), as currently implemented, does not constitute a credible path to abolition.

Negotiations stemming from L.41 will be held March 27-31 and June 15 to July 7 at the UN in New York. All UN member states, along with international organizations and members of civil society, are called on to participate. But some will not.

A majority of nuclear-armed states and their allies—including the United States and most other NATO members, such as Germany and Canada—have actively opposed this effort and have openly tried to undermine its rationale. And while it is hardly surprising that the very states that rely on nuclear deterrence would oppose a legal prohibition of nuclear weapons, the primary arguments used to oppose the ban cannot withstand close scrutiny. They are either misleading, based on a dead-end logic, or simply wrong.

Let us consider six of the most commonly cited arguments.

1. Nuclear-weapons-ban negotiations fail to consider the global security environment.

This point has been frequently raised by opponents to condemn such negotiations before they even start. In reality, however, neither the way in which the talks will unfold nor possible outcomes are predetermined. These naysayers have been repeatedly urged by opponents to condemn such negotiations before they even start. In reality, however, neither the way in which the talks will unfold nor possible outcomes are predetermined.

These naysayers have been repeatedly urged by a majority of NPT and UN states parties to participate in the talks, which would allow them to raise any and all international security concerns they may have. Instead, they preemptively indict the process and choose instead to boycott the negotiations.

Following its vote against the proposal to convene nuclear-weapons-ban negotiations, the United States issued an explanation of vote, which was echoed by several states—including, remarkably, Russia. In it, the United States spoke of the purported “negative effects of seeking to ban nuclear weapons without consideration of the overarching international security environment.” France has said, “A prohibition of nuclear weapons, in and of itself, will not improve international security.”

Nobody, however, is advocating for a ban in isolation. And it has never been said that the global security environment would NOT be considered. Thus, we are led to wonder what else could be meant by “consideration of the overarching international security environment.” Is it that preserving international security requires the preservation of nuclear weapons? Or simply that there are difficult security challenges now facing the international community—which no one disputes.

There is no perfect time to seek nuclear disarmament—or world peace or the end to hunger or equal pay for equal work. We cannot create a need for ideal conditions that will only become an excuse in perpetuity for the lack of progress. Non-nuclear-weapon states have never made the fulfillment of their nonproliferation obligations contingent upon the emergence of ideal international security conditions—and would surely be chastised by the nuclear-armed states if they did.

Achieving nuclear abolition will
be a lengthy undertaking that will necessarily coexist with international security crises of varying gravity. To expect otherwise is unbelievably—and perhaps deliberately—naïve.

2. A nuclear-weapons ban would be ineffective.

In some forums, the states opposing ban negotiations openly question the impact and effectiveness of a prohibition treaty; in others, they admit that the process could have profound implications for the perpetuation and legitimacy of practices related to nuclear weapons. Remarkably, one of the best articulations of the significance of a legal ban comes from the United States and reflects NATO thinking and policy.

In an unclassified NATO document from October 2016 entitled “United States Non-Paper: ‘Defense Impacts of Potential United Nations General Assembly Nuclear Weapons Ban Treaty,’” a legal prohibition of nuclear weapons is presented as anything but insignificant or ineffective. In it, the United States openly calls on all allies “to vote against negotiations on a nuclear weapons treaty ban, not to merely abstain.” The United States further asks allies and partners to refrain from joining the actual negotiations.

The document, which acknowledges that “the effects of a nuclear weapons ban treaty could be wide-ranging” and “could impact non-parties as well as parties,” lists several ways in which the ban could impact NATO’s standing as a nuclear-weapons alliance. For example, a ban treaty could put limits on:

- nuclear-weapons-related planning, training, and transit;
- assisting or inducing allies to use, plan, or train to use nuclear weapons;
- the use of nuclear-capable delivery systems; and
- nuclear-weapons-sharing practices among NATO members.

The document succinctly points to the indisputable intersection between the rationale for the ban and NATO resistance to it: “Such treaty elements could—and are designed by ban advocates to—destroy the basis for U.S. nuclear extended deterrence.” Indeed.

3. The process to ban nuclear weapons is divisive and not based on consensus.

Opponents contend that negotiations to ban these weapons will create a schism in the international community, especially in the absence of nuclear-weapon states—whose presence continues to be widely encouraged.

Indeed, these talks will be divisive. But they simply shed further light on longstanding divisions, which continue to be exacerbated by the blatant disregard of nuclear-weapon states for their obligations to disarm.

It should be noted that the very countries that blocked consensus in the process surrounding the nuclear-weapons-ban negotiations, including the adoption of Resolution L41, are now criticizing the lack of consensus. Following its vote against the proposed negotiations, NATO member and nuclear-armed France said in its explanation of vote (endorsed by the United Kingdom and the United States, both possessors of nuclear arms) that “only a consensus-based approach” could lead to progress in nuclear disarmament. Perplexingly,
states wishing to undermine the negotiations continue to point to their own unwillingness to participate as an inherent flaw in the process.

4. A legal prohibition of nuclear weapons is no substitute for actual weapons reductions.

True. A legal instrument to ban nuclear weapons, however thorough or stringent its provisions, will not automatically result in fewer nuclear warheads in the hands of any actor. Not a single proponent of the ban argues that this effort will be tantamount to abolition. The ban’s limitations are well known. The need for buy-in from nuclear-weapon states is undisputed.

But the lack of specific provisions for disarmament is not an indicator of ineffectiveness. The historic adoption of Resolution L41 and the process surrounding it have profound political implications.

The global momentum and political will to move the ban forward are unprecedented in the post-Cold War era. The lack of interest signaled by nuclear-weapon states and their allies may indicate that the process is starting to become a diplomatic annoyance for them.

Many recent and current international efforts related to nuclear weapons did not and will not reduce the size of nuclear arsenals. Various UN panels of governmental experts, high-level meetings related to the Fissile Material Cut-off Treaty, and NPT-endorsed plans of action, which produced no warhead reductions, have received multilateral support over the years. Why should negotiations on a ban be denied similar backing?

5. The pursuit of a nuclear-weapons ban undermines the NPT.

Opponents to nuclear-weapons-ban negotiations frequently declare that this process effectively undermines the Nuclear Non-Proliferation Treaty. In fact, the contrary is true. The negotiation of a nuclear-weapons ban constitutes a rare, specific instance of actual implementation of Article VI of the NPT, which calls on states to “pursue negotiations in good faith” toward nuclear disarmament.

The World Court in 1996 further clarified the Article VI obligation. It indicated that the NPT requires states not only to engage in good faith negotiations for nuclear disarmament, but also to bring them to a conclusion.

The NPT was designed to prevent non-nuclear-weapon states from acquiring nuclear weapons and to compel nuclear-weapon states to eliminate their arsenals. In no direct or implied phrase does the treaty limit complementary efforts, such as negotiations toward a nuclear-weapons prohibition, to implement its provisions and advance nuclear disarmament.

Those with nuclear arsenals have resisted, avoided, or ignored not only their treaty obligations, but the groundswell of support for nuclear abolition from all corners of the planet.

6. Better than a ban is a so-called progressive, pragmatic approach to nuclear disarmament.

Nuclear-weapon states and their allies continue to insist on a step-by-step approach that, 45 years after the NPT came into force and nearly three decades after the end of the Cold War, has not attained the goal of complete nuclear disarmament. In effect, they are opting for the status quo.

No credible multilateral undertaking now exists that will lead to nuclear disarmament in the foreseeable future. Efforts to further the nuclear disarmament agenda have withered when denied support by nuclear-armed states.

This stepped approach is increasingly out of alignment with the emerging, compelling, and persuasive narrative voiced by a majority of the world’s nations, which says that a legal ban is not only urgently needed, but indeed possible.

A deep-seated skepticism about the state of the nuclear disarmament regime, shared by a growing number of multilateral actors, is not just based on doubts about future progress, but on historical evidence and current practice. Developments such as the rapid, costly modernization of nuclear arsenals and related infrastructure (some estimates put the price tag at more than $1-trillion), heightened tensions between superpowers, and a dysfunctional multilateral disarmament machinery do not recommend the current approach to nuclear disarmament.

The nuclear-weapons-ban movement must be understood in this context. It developed out of the failure of the NPT to deliver on the promise of complete nuclear disarmament. The “pragmatic” approach advocated by those resisting a legal ban has already been tried—and has been found wanting.

A final word

We don’t know exactly what L41 will yield, or how soon. We do know that ALL nations will need to be involved in such efforts, in good faith, if the world is to rid itself of nuclear weapons.

Establishing a legal ban would send the strongest diplomatic signal in decades that the peoples of the world reject these horrifying instruments of mass destruction. Critically, it could well signal a turning point in the humanitarian, diplomatic, and political struggle toward their elimination. □
January 27, 2017 marked the 50th anniversary of the signing of the Outer Space Treaty (OST), one of the most successful international treaties ever concluded. Negotiated in an era of intense military competition sparked by the launch of Sputnik in 1957, the Treaty created a legal framework for the governance of outer space, based on the principle that space is a global commons to be used for peaceful purposes for the benefit of all peoples.

The OST is a forward-looking agreement to prevent conflict in outer space by banning the placement of weapons of mass destruction in orbit, restricting conventional weapons on the Moon and other celestial bodies, and avoiding “a new form of colonial competition” and exploitation in space.

While the OST has been remarkably successful, it is facing new and old governance and security challenges. The absence of major 50th-anniversary celebrations
“Canadian leadership in the diplomacy of space security has become a distant memory and we have not made a significant contribution in this field for a decade.”

could be a sign that OST objectives are being eroded.

Paul Meyer served as Canada’s Ambassador and Permanent Representative to the Office of the United Nations and the Conference on Disarmament (CD) in Geneva from 2003-2007. In 2007 he served as the CD’s Special Coordinator for its agenda item Prevention of an Arms Race in Outer Space (PAROS).

Meyer is a Senior Fellow in Space Security at The Simons Foundation and a Fellow in International Security, Centre for Dialogue, at Simon Fraser University.

Jessica West: Tell us about your initial involvement with outer space security.

Paul Meyer: My professional interest dates back to the mid-1980s when I worked for the Arms Control and Disarmament Division of the Department of Foreign Affairs and International Trade in Ottawa. The now defunct Verification Research Unit of the division was at that time serving as an intellectual dynamo. One of its major projects was “PAXSAT,” which examined the feasibility of using satellite technology to verify a ban on space weapons, a goal that Canada was actively promoting at the time. The project concluded that verification of such a ban was possible. It was exciting to witness the synergy around the PAXSAT project, with private sector technical experts working alongside policy officers.

Later, when I was serving as Director General of the International Security Bureau, I was made aware of the crucial interrelationship between issues of space security, ballistic missile defence, and strategic force reductions.

During my posting in Geneva as Ambassador to the UN and Conference on Disarmament, I had to contend with the CD’s agenda item on the Prevention of an Arms Race in Outer Space and the complex diplomatic processes connected with attempting to advance this issue at both the CD and the UN General Assembly.

JW: How have space security dynamics changed?

PM: Space security has been marked by steady continuity in some aspects (that is, annual resolutions of declaratory policy coupled to practical neglect), as well as the reemergence of threats long considered moribund (such as anti-satellite weapons [ASATs]). A striking feature has been the major expansion in outer space activity, with the initial restricted club of space powers transformed into a varied community of some 60 state satellite owners and a large private sector/civil society component. Obviously a related and less positive development has been the increase of space debris and the hazard it now poses for safe space operations in low Earth orbits.

JW: Does the space policy landscape look different when examined through a “civil society” rather than a “government” lens?

PM: I would like to think that a common understanding exists regarding the imperative to maintain outer space as a safe and secure operating environment. Of course,
each group of space actors will look upon policy in a way that reflects its priorities. For government, issues of national and international security will naturally loom large, but I believe that the private sector, academia, and civil society will increasingly recognize the significance of space security to meet their own objectives.

**JW:** Could outer space—like land, sea, and air—become an arena for military confrontation? Or is it different somehow?

**PM:** Fortunately, outer space enjoys a different status under international law from the terrestrial domains, which should enable it to be sustained as an environment free from human-fashioned hazards. This legal status has to be upheld in state practice to be truly effective. Outer space is a fragile environment and the effects of damaging actions cannot be restricted or contained as they might be on Earth.

**JW:** Why is the Outer Space Treaty important?

**PM:** The Outer Space Treaty of 1967 represents one of the greatest achievements of preventive diplomacy. At an early stage of the space era it established in law a set of principles and obligations that has enabled outer space to be preserved as a relatively benign environment.

Granting outer space the status of a “global commons” beyond the reach of national appropriation and sovereign claims was a great conflict-prevention measure. Think of all the conflicts on Earth that have sprung from competing territorial claims.

Add to this the express condition that activity under the Treaty should be for peaceful purposes and that any eventual benefits should be shared with all and a strong cooperative imperative is projected. The prohibition of weapons of mass destruction (WMD) in orbit and any militarization of celestial bodies, as well as the provisions for consultation, observation, and visits to space-related facilities represent important contributions to a cooperative security paradigm for outer space.

**JW:** What are the biggest challenges facing the Treaty?

**PM:** Frankly, the OST suffers from neglect. It is a huge disappointment that the OST’s 50th anniversary is not being marked in a manner commensurate with the Treaty’s importance.

I had proposed a special meeting of states parties to the OST in its 50th anniversary year. This would have been the first time that states parties had come together, as the OST had made no provisions for follow-up meetings. Civil society groups have echoed this call for the 104 states parties to come together to mark this milestone, but regrettably it has not been championed by the states, in particular the three depository governments: the United States, the United Kingdom, and Russia.

I am concerned that “dark forces” among space actors may seek to weaken the constraints represented by the OST and pursue actions incompatible with the existing regime.

**JW:** Weapons-enabling technologies are being developed for use in outer space and missile defence systems have dem-
onstrated their use against satellites. How concerned are you? Are you optimistic about the prospects for a new agreement to extend the regulatory regime for use of force in outer space?

**PM:** The reemergence of ASAT development and testing in recent years, after a de facto moratorium for a quarter of a century, is very disturbing. Destructive ASAT capabilities are especially destabilizing when combined with the accumulation of space debris since the end of the Cold War. Irresponsible state action could render certain orbits unusable.

The space security stakeholder community cannot afford to stand idly by in the face of such threats. There is a real need to revitalize space security diplomacy and extend the ban on WMD set out in the OST to cover all weapons.

In addition, arrangements to constrain detrimental state conduct in space should be pursued with determination. I saw promise in the European Union-initiated proposal for an International Code of Conduct (ICoC) for outer space activities. The ICoC’s provision of institutional support for an ongoing dialogue among states and stakeholders would have helped to overcome deficiencies of the OST. I remain hopeful that the EU and/or other states will make the diplomatic effort to initiate a new multilateral negotiation under UN auspices to develop the ICoC.

**JW:** Private/commercial actors are becoming significant players in outer space and are poised to lead new activities, such as space mining and space exploration, which were unimaginable 50 years ago. How well equipped is the Outer Space Treaty to govern this new reality?

**PM:** The OST drafters were prescient in their recognition of the role non-state actors would play in space exploration and use and provided for this in the treaty, albeit based on the principle of state responsibility (and hence control) of such activity. One of the benefits of a meeting of states parties to the OST would be to enable a discussion of this theme and how the principles and provisions of the Treaty could be best fulfilled under contemporary and future circumstances.

**JW:** Is it your impression that outer space constitutes a priority for the Canadian government? Why/why not?

**PM:** Regrettably, space seems to have slipped in priority for the Canadian Government over the last couple of decades. Canadian leadership in the diplomacy of space security has become a distant memory and we have not made a significant contribution in this field for a decade.

**JW:** The Canadian government released a Space Policy Framework in 2014. Is it an adequate guide?

**PM:** I hope it has been relegated to the recycling bins because it was a very poor product, more of a trade fair flyer than a white paper on space. Its paragraphs on space security were particularly egregious, a strange mixture of regurgitated U.S. Department of Defense phrases, combined with odd claims to project our sovereignty into space.

The current Government has launched a defence policy review, the discussion paper for which had some rather thin and problematic references to space security. The foreign policy dimension of outer space was not at all in evidence. We will have to await the review’s outcome to render any judgment on how outer space as an issue has been treated.

One would hope that the current Government would want to formulate a distinct space policy that would incorporate security and governance issues as well as technological and commercial aspects. It would be fitting to see such a policy development process at least launched in this 50th anniversary of the OST and the 150th year of the Canadian confederation. □
Project Ploughshares celebrates 40 years

On Monday, March 13, at Knox Presbyterian Church in Waterloo, Ont., supporters and staff of Project Ploughshares gathered to mark 40 years of the organization’s continuous work in the pursuit of a more just, peaceful, and secure world. Hiroshima survivor and world-renowned nuclear disarmament activist Setsuko Thurlow shared her astonishing and moving account of living through one of the worst atrocities in human history.

Photographs by Emilia Zibaei

When Ernie Regehr, left, and Murray Thomson co-founded Project Ploughshares in 1976, their initiative, examining militarism and underdevelopment, was supposed to last six months.
“It is our moral imperative,” says Hiroshima survivor Setsuko Thurlow, to work toward a world without nuclear weapons.
The migrants’ dilemma

High levels of crime and violence in Mexico and the Northern Triangle of El Salvador, Guatemala, and Honduras are fuelling a refugee crisis as migrants seek a safe haven in the United States or, eventually, Canada by means of a route strewn with dangers and a high likelihood of forced return.

By Jessica West and Sonal Marwah

Drivers of migration
1. Crime: drugs, gangs, violence
2. Economic deprivation, especially in rural areas
3. Lawlessness and corruption of officials
4. Family in the United States or Canada

Homicide (rates per 100,000)

<table>
<thead>
<tr>
<th>Country</th>
<th>2010</th>
<th>2011</th>
<th>2012</th>
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<tbody>
<tr>
<td>El Salvador</td>
<td>64.1</td>
<td>69.9</td>
<td>41.2</td>
</tr>
<tr>
<td>Guatemala</td>
<td>41.6</td>
<td>38.6</td>
<td>39.9</td>
</tr>
<tr>
<td>Honduras</td>
<td>81.8</td>
<td>91.4</td>
<td>90.4</td>
</tr>
<tr>
<td>Mexico</td>
<td>21.8</td>
<td>22.8</td>
<td>21.5</td>
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How do migrants make the journey?

<table>
<thead>
<tr>
<th>LA BESTIA</th>
<th>COYOTES</th>
<th>BRIBES</th>
<th>BUS</th>
<th>BY SEA</th>
<th>WALK</th>
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<tr>
<td>A system of freight trains</td>
<td>Human smugglers</td>
<td>Paying off corrupt police officials</td>
<td></td>
<td>Along the coast of Chiapas and Oaxaca</td>
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Dangers on the journey
1. Organized crime rings that target women and children for sexual abuse and violence, and extort protection fees
2. Corrupt government officials
3. Human traffickers and kidnappers
4. Vigilantes
5. Wild animals and harsh environments
6. The ever-present threat of apprehension, detention, and deportation
Unaccompanied Minors (UAMs)

Children under 17 travelling without a family member or guardian

- In fiscal year (FY) 2013, the U.S. Border Patrol apprehended 38,759 UAMs.
- In FY2014, the number rose to 68,541.
- Most of the youth were from El Salvador, Guatemala, and Honduras.
- The Obama administration characterized the situation as a "humanitarian crisis."

U.S. Deportations

The United States has the world’s largest immigrant detention system. Following apprehension or arrest, people may be detained pending removal proceedings and/or following a deportation order. The use of family detention expanded significantly in 2014 following the UAM/family unit migration crisis.

U.S.-Mexico Border Wall

1,046 km
Distance already fenced

2,012 km
Distance left to seal

$21.6-billion
Estimated cost of wall
(not including cost of patrol officers, cameras, aerial surveillance, radar, heat and motion detectors)

Do walls work?

Walls are a rudimentary and temporary way to slow the movement of people. By themselves they are ineffective; their primary function is to make crossing the border more difficult, buying time for patrol agents to identify and apprehend those who would cross. There is a human cost: walls are correlated with more deaths at borders because they redirect people to more dangerous points of access.

Six years ago, it was hard for Colombians to imagine an end to a war that had lasted half a century. Today, after six years of serious and often intense, difficult negotiations, I stand before you and the world and announce with deep humility and gratitude that the Colombian people, with assistance from our friends around the world, are turning the impossible into the possible. A war that has brought so much suffering and despair to communities all across our beautiful land has finally come to an end.

Like life itself, peace is a process with many surprises. Just two months ago, people in Colombia and indeed in the whole world were shocked to learn that, in a plebiscite called to ratify the peace agreement with the FARC guerrillas, there were slightly more “No” votes than “Yes” votes. This outcome was completely unexpected. As Head of State, I sought to understand the significance of this unexpected setback and called at once for a broad national dialogue to seek unity and reconciliation. Today, we have a new agreement for ending the armed conflict with the FARC, which incorporates the majority of the proposals we received. With this new agreement, the oldest and last armed conflict in the Western Hemisphere has ended.

And we can now ask the bold question: if war can come to an end in one hemisphere, why not one day in both hemispheres? Perhaps more than ever before, we can now dare to imagine a world without war. The impossible is becoming possible.

*****

I have served as a leader in times of war—to defend the freedom and the rights of the Colombian people—and I have served as a leader in times of making peace. Allow me to tell you, from my own experience, that it is much harder to make peace than to wage war.

When it is absolutely necessary, we must be prepared to fight, and it was my duty—as Defence Minister and as President—to fight illegal armed groups in my country. When the roads to peace were closed, I fought these groups with effectiveness and determination. But it is foolish to believe that the end of any
conflict must be the elimination of the enemy. A final victory through force, when nonviolent alternatives exist, is none other than the defeat of the human spirit.

Seeking victory through force alone, pursuing the utter destruction of the enemy, waging war to the last breath means failing to recognize your opponent as a human being like yourself, someone with whom you can hold a dialogue—dialogue based on respect for the dignity of all. That was our recourse in Colombia. And that is why I have the honour to be here today, sharing what we have learned through our hard-won experience.

Our first and most vital step was to cease thinking of the guerrillas as our bitter enemies, and to see them instead simply as adversaries. General Álvaro Valencia Tovar—a former Commander of the Colombian Army, a historian, and humanist—taught me this distinction. He said that the word “enemy” gives a sense of a passionate struggle and a connotation of hate, unfit for military honour. Humanizing war does not just mean limiting its cruelty but also recognizing your opponent as an equal, as a human being.

I receive this prize on behalf of nearly 50 million Colombians—my fellow countrymen and women—who finally see the end of more than a half-century nightmare that has only brought pain,
This negotiation has been conducted with a heavy emphasis on human rights. And that is something that makes us feel truly proud.
What is the FARC?

Fuerzas Armadas Revolucionarias de Colombia/Revolutionary Armed Forces of Colombia (FARC) is the oldest and largest of Colombia’s left-wing rebel groups. FARC was founded in 1964 as the armed wing of the Communist Party and followed a Marxist-Leninist ideology. Inspired by the Cuban revolution in the 1950s, FARC’s members demanded more rights and control over the land. Their main founders were small farmers and land workers who had joined together to fight against the staggering levels of inequality in Colombia at the time. When paramilitary forces began to attack the group in the 1990s, FARC turned to the drug trade to raise money for an effective response. According to a U.S. Justice Department indictment in 2006, FARC generated more than 50 per cent of the world’s cocaine and more than 60 per cent of the cocaine that entered the United States. FARC has approximately 8,000 fighters, according to the latest estimates. The FARC’s top leader is Rodrigo Londono Echeverri, better known by his alias Timochenko. FARC remains on U.S. and European lists of terrorist organizations.

Sources: Project Ploughshares Armed Conflicts Report, BBC News

ments signed in the world to end armed conflicts in the past three decades, that this peace agreement in Colombia is the most complete and comprehensive ever reached. As such, the Colombian peace agreement is a ray of hope in a world troubled by so many conflicts and so much intolerance.

*****

A few lessons can be learned from Co-
You must properly prepare yourself and seek advice, studying the failures of peace attempts in your own country and learning from other peace processes, their successes and their problems.

- The agenda for the negotiation should be focused and specific, aimed at solving the issues directly related to the armed conflict, rather than attempting to address all the problems faced by the nation.
- Negotiations should be carried out with discretion and confidentiality in order to prevent them from turning into a media circus.
- Sometimes it is necessary to both fight and talk at the same time if you want to arrive at peace—a lesson I took from another Nobel laureate, Yitzhak Rabin.
- You must also be willing to make difficult, bold, and oftentimes unpopular decisions in order to reach your final goal. In my case, this meant reaching out to the governments of neighbouring countries with whom I had and continue to have deep ideological differences.
- Regional support is indispensable in the political resolution of any asymmetric war. Fortunately, today all the countries in the region are allies in the search for peace, the noblest purpose any society can have.

We also achieved a very important objective: agreement on a model of transitional justice that enables us to secure a maximum of justice without sacrificing peace. I have no doubt this model will be one of the greatest legacies of the Colombian peace process.

*****

In a world where citizens are making the most crucial decisions—for themselves and for their nations—out of fear and despair, we must make the certainty of hope possible. In a world where wars and conflicts are fueled by hatred and prejudice, we must find the path of forgiveness and reconciliation. In a world where borders are increasingly closed to immigrants, where minorities are attacked and people deemed different are excluded, we must be able to coexist with diversity and appreciate the way it can enrich our societies.

We are human beings after all. For those of us who are believers, we are all God’s children. We are part of this magnificent adventure of being alive and populating this planet. At our core, there are no inherent differences: not the colour of our skin, or our religious beliefs, or our political ideologies, or our sexual preferences. All these are simply facets of humanity’s diversity.

Let’s awaken the creative capacity for goodness, for building peace, that lives within each soul.

In the end, we are one people and one race—of every colour, of every belief, of every preference. The name of this one people is the world. The name of this one race is humanity. If we truly understand this, if we make it part of our individual and collective awareness, then we will cut the very root of conflicts and wars.

The sun of peace finally shines in the heavens of Colombia. May its light shine upon the whole world!
The European Union outsources asylum policy and protection

Do migration arrangements undermine individual rights to asylum and weaken the refugee protection regime?

By Sonal Marwah

In a deal reached in March 2016 between the European Union (EU) and Turkey, “all new irregular migrants” who reached Greece after March 20 were to be returned to Turkey. In exchange the EU would resettle more Syrian refugees living in Turkey, increase its financial support for refugees in Turkey, and remove visa requirements for Turkish citizens (Collett 2016).

To deport migrants from Greece to Turkey, Turkey had to be classified as a “safe third country”—a country where migrants could request and receive refugee status in line with the Convention Relating to the Status of Refugees. But Turkey is not a “safe third country.” Turkey is a signatory to the Convention, but not the 1967 Protocol, which means that it maintains a geographical limitation and does not protect non-European refugees. Under Turkey’s existing refugee framework, Syrians are unable to claim full refugee status in line with the Refugee Convention’s provisions. Turkey has also stopped Syrians at the border, violating the principle of non-refoulement under international law.

The controversial EU-Turkey deal aimed to curb the irregular migrant flow into Europe. In substance, the deal blocked the arrival of smuggled migrants by putting pressure on Turkey, the key transit state, to control its borders. In return, Turkey was offered 3-billion euros in relief funds, promises of accelerated EU-membership talks, and visa-free travel for Turkish citizens to most of Europe. Such an agreement is tantamount to an external border strategy, which outsources EU’s asylum obligations to a non-EU country.

The EU-Turkey agreement focused on Syrian refugees. However, irregular migrants from Africa are deemed a greater long-term challenge, given the continent’s generally poor governance, poverty, regional instability, and expected population growth. Mirroring the EU-Turkey approach, the EU has more recently sought to “buy” similar deals with African countries that produce significant numbers of refugees and the transit countries used by irregular migrants to reach Europe. All in an attempt to ‘secure’ Europe’s borders.

Partnering with Africa

Last June the EU, in cooperation with Af-
African states, created the Migration Partnership Agreement Framework (EC 2016) to stem and deter irregular migration to Europe. Leaders from the EU and Africa first met in Valletta, the capital of Malta, in November 2015 “in an effort to strengthen cooperation and address the current challenges but also the opportunities of migration” (European Council 2015). At this summit, the Emergency Trust Fund for Africa was launched.

The core objectives of the Migration Partnership are to “save lives,” “fight traffickers and smugglers’ networks,” increase returns of irregular migrants and “enable migrants and refugees to stay closer to home,” and “open up legal ways to Europe for those in need” (EC 2016).

Migration projects are being implemented in Mali, Nigeria, Niger, Senegal, and Ethiopia. The bilateral compacts negotiated between the EU and each of these countries combine “different policy elements like development aid, trade, mobility, energy, security, [and] digital policy” (EC 2016). For the period 2016-2020, the sum of 8-billion euros has been allocated to support implementation.

Because of the scale of this externalization of migration and refugee policies, the Migration Partnership is garnering international attention. The arrangements generated by it should be critically examined to determine if they undermine the individual’s right to asylum and weaken the refugee protection regime.
Third-country asylum processing

Under the terms of the agreements negotiated through the Migration Partnership, asylum claims to EU Member States will be processed in Africa. European Migration Liaison Officers were set to be deployed to the five priority countries in early 2017. The EU claims that such an arrangement will discourage migrants from making dangerous journeys that often rely on human smugglers. And so lives will be saved.

But it is highly doubtful that asylum-processing centres in partnering African states can be in full compliance with UN human-rights safeguards and asylum-screening standards. For one thing, states engaging in third-country asylum processing benefit from the fact that such a process avoids the much higher standards of asylum determination that would be required within those states’ territorial jurisdictions.

It is well known that civil society and political institutions are not as robust—if they exist at all—in many African states as they are in Europe. Asylum seekers in Africa have limited if any legal recourse to register complaints or garner the advocacy support of nongovernmental groups. Third-county asylum processing could therefore expose migrants to additional trauma and vulnerability, and adversely affect their ability to gain asylum in the EU.

Deeply embedded migrant smuggling networks in Africa add a further complication. Consider Niger. It is a major transit country for West African migrants making their way to Libya, bound for Europe. Peter Tinti (2017), an expert on transnational organized crime and migrant smuggling, has found that migrant smuggling is an entrenched and significant source of livelihoods in northern Niger. Everyone from drivers, fixers, landlords, shop owners, and currency dealers to local law enforcers is involved in the web of bribes that allows migrants to continue their journeys.

The UNHCR response: Strong enough?

Through the Migration Partnership, the EU has both outsourced and offshored its international refugee obligations and protection responsibilities to African countries.

In a December 2016 report, Better Protecting Refugees in the EU and Globally, the UN Refugee Agency (UNHCR) offers proposals on how “an EU that is engaged beyond its borders” can “protect, assist and find solutions” (p. 3). And it notes that strengthening asylum systems and reception capacity in third countries shares responsibility and is an “expression of solidarity” (p. 5). But is this an appropriate response from the international guardian of refugee rights, mandated to uphold the principles of the refugee protection regime?

Providing support to the developing countries that host 86 per cent of the global refugee population is no doubt required. But endorsement of third-country processing centres in poorer African countries that are clearly ill-equipped to provide effective refugee protection should cause deep concern.

The UNHCR was not a party to the EU-Turkey deal, which was aimed at stemming an exceptional influx of migrants into Greece. But the Migration Partnership is not about exceptional responses. It aims to establish a normative framework for processing asylum seekers to Europe outside EU territory. Over the long term, the EU aims to fully integrate this partnership approach into its foreign policy and even its global strategy (EC 2016, p. 1).

The UNHCR’s acceptance of this containment of asylum seekers in poorer countries will go a long way in establishing the moral legitimacy of Europe’s externalization of migration and asylum policy. Yet the EU’s relocation of border controls to transit and origin countries will only make human-rights violations and lives lost less visible. In such circumstances,
who will be held accountable for breaches of refugee obligations, human rights, and preventable deaths? The EU (sponsors)? Transit and origin countries (implementers)? The UNHCR (endorsers)? Or perhaps no one at all.

Shared protection of the vulnerable
Making third-country asylum processing a routine practice threatens to undermine the individual’s right to asylum and the entire refugee protection regime. Developing countries, such as the states with which the EU is partnering, cannot match the high protection standards and resources available in Europe, even with additional “development funds” from the EU. The UNHCR risks being held complicit in human-rights abuses if it signals to richer countries that a focus on externalized border control and deterrence strategies can replace the provision of legal and safe channels for refugees.

“Development funds” should not be used by the EU to secure the cooperation of poorer states that already host large refugee populations. Such funding should be based on aid effectiveness and principled development cooperation.

Ultimately, the entire Migration Partnership Agreement Framework seems to be based on false premises. Only a small percentage of refugees attempt to reach the West (Saunders 2016). Most stay in their own home country or flee to neighbouring countries to seek safety, hoping to return home. And, while one of the stated objectives of the Framework is to “fight smuggling and prevent deaths at sea,” there is some evidence that most Africans seeking to reach Europe don’t die in the Mediterranean Sea. A report by 4mi, an affiliate of the Danish Refugee Council, suggests that more die crossing the Sahara Desert, with its harsh conditions and no access to healthcare, food, or water (Miles 2016).

Thus, the focus of the Migration Partnership is misplaced. More importantly, it does not address the root causes of unsafe migration or help to alleviate the violence and poverty that drive migration.

Instead of looking for politically palatable deals to contain vulnerable migrants, Europe ought to focus its energy and resources on equitably sharing responsibility across EU states to increase legal avenues for safe migration, third-state resettlement, humanitarian visas, and legal labour migration. Such measures would indeed save lives and reduce the violence that irregular migrants face. □

Notes
1. The principle means that refugees, asylum seekers, and victims of persecution are not to be forced to return to places in which they were persecuted.
2. An irregular migrant is someone whose arrival is not in accordance with the immigration laws of the destination country.

References
Collett, Elizabeth. 2016. The paradox of the EU-Turkey refugee deal. Migration Policy Institute, March.
AT A GLANCE

Refugees and the Safe Third Country Agreement

In 2017 a growing number of refugees have made claims after crossing irregularly (not at border points) from the United States into Canada. This has stimulated public debate about the effects of the Third Safe Country Agreement, which bars refugees arriving from the United States from claiming refugee status at a Canadian Point of Entry on the United States-Canada border.¹

Why are more people crossing into Canada from the United States to make refugee claims?

Some people in the United States without permanent status feel unsafe and are afraid that their refugee claim will not be given fair consideration. Some people from one of the six countries targeted by the U.S. “travel ban” are worried that they will not be able to reunite with immediate family members even if they themselves are accepted as refugees. Some people always intended to come to Canada.

What is the Safe Third Country Agreement?

Under the 2004 Safe Third Country Agreement, Canada and the United States designate each other as “safe” for refugees and establish the principle that refugee claimants should seek protection in the first of the two countries that they reach. A person making a refugee claim at a Canadian Port of Entry will be sent back to the United States to claim there, unless s/he meets one of the limited exceptions.

Why do people cross irregularly?

The Safe Third Country Agreement does not apply to people who enter Canada via an irregular means and then make a refugee claim. Refugee claimants entering irregularly generally present themselves as soon as they can to law enforcement officials.

What are the security concerns when refugee claimants cross irregularly?

People crossing irregularly may be at physical risk, especially in the extreme cold. Smugglers sometimes charge thousands of dollars to take refugees across the border.

If the Safe Third Country Agreement were suspended, people could make their refugee claim at the border ports of entry in a safe and orderly way. They could also be provided with documentation, giving them access to relevant basic services and reducing hardship.

Only those who have a well-founded fear of persecution in their country of origin could benefit by making a refugee claim in Canada. Those who do not face persecution would be likely to face removal to their home country shortly after arriving in Canada.

Note

¹ Information is drawn from the website of the Canadian Council for Refugees.
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