

JULIUS OSEGA 2019 MEMORIAL READING

THEME: "LAW AT THE SERVICE OF PEACE AND DEVELOPMENT"

Presentation of:

Christian Daniel BISSOU
Emeritus member of the Council of Order
President of the Commission for Human Rights and Freedoms of the Cameroon Bar
Medalist of the Bar

The Attorney General of the Supreme Court of Cameroon,
Mr. Rector of the Catholic University of Central Africa (UCAC),
Mr. Representative of the University of Pretoria,
Dear Colleagues, Ladies and Gentlemen, to your respective ranks and titles,
Dear students and Friends,

At the beginning with this presentation, permit me to first thank the leaders of the Catholic University and especially the leaders of the Center for Human Rights of the University of Pretoria for the opportunity given to us today on behalf of the President of the Bar Association of Cameroon to raise awareness on the role of law in the process of peace and development.

The framework of exchange organized on May 29th in honor of Ugandan police officer Julius OSEGA, a great defender of human rights and freedoms who died on July 8, 2008 as part of a UN mission in Darfur (Sudan), gives us the opportunity to recall here that the United Nations is also celebrating the International Day of Peacekeepers who have fallen

for peace on May 29th. The theme that was retained to commemorate this day was on the 24th May at the Headquarters of the United Nations is “protect civilians, protect peace” These two events are interconnected so much because be it **Julius OSEGA** or for these UN soldiers through the defense of human rights, and the defense of peace for having sacrificed their lives.

Police officers and civilians have lost their lives in the service of peace since the institution of the first United Nations mission in 1948 to April 2016, 3,400 military personnel

They died in the defense of peace.

The captain MBAYE DIAGUE's price for this year was posthumously attributed to the Peacekeeper Malawite CHANCY CHEITETE for his bravery in the fight for peace in the Central Republic Congo. However "*there can be no peace and development if there is no respect for the state of law and human rights*";

This famous quote attributed to **Jan ELLIASSON** Deputy Secretary General of the UN in 2013 proves that sustainable development is rooted in respect for law and good governance. It is therefore necessary to provide fair and equal rights allowing groups and communities to find their harmony in the society.

The main actor in development is not found in public or private development aid but in economic growth. It is therefore necessary to go through the construction of fair and egalitarian rules allowing groups and communities to find their harmony in society. It is understandable why the Sustainable Development Goals (SDGs) adopted in 2015 by 193 states, which aims to significantly reduce all forms of violence and to work alongside governments and communities, requires the participation of developing countries in the institutions of global governance so as to achieve development and eradicate poverty (primary objective).

The figures given by the UN are alarming.

In 2017:

- 685 million people were displaced due to violence, persecution or violations of their rights.

- Tax evasion costs \$ 1.26 trillion to developing countries.

- 1 billion people on the planet earth cannot prove their identity and are therefore considered "invisible" for lack of civil status.

The level of achievement of human rights in Cameroon host country of the present exchange presented by some state and non-state entities is also alarming when we look at the rank of this country according to various indices:

- Development Index 151/ 187 according to UNDP;
Index of ease to do business 166 / 190 according to the organization " Doing Business ";

- Competitiveness Index 113e / 137 according to World Economy Forum.
In its 2017 - 2018 report on Cameroon, Amnesty International states that the situation in the far North has resulted in 240,000 displaced people, including 140,000 children, who have not attended school.

According to the same Amnesty International report in November 2017, 3.3 million people needed humanitarian assistance in Cameroon.

The report on the state of human rights of the Cameroon Bar in the same period is more incisive as it counts 58.788 Nigerian refugees accommodated in the camp of Menao, which is three (03) times higher than the capacity camp can take. More than 170,000 people have had to move out from the Northwest and Southwest regions.

6,434 formal jobs lost according to GICAM as of the 1st of February 2019.

The experience of past events, however, has finally taught African leaders that peace, security, democracy, good governance, respect for human rights and sound economic management are prerequisites for sustainable development.

Koffi Hanan insisted and declared that "*there is no development without security, there is no security without development, and there can be neither security nor development if human rights are not respected.*"

The Need to grasp this instrument

The Law, even though is an essential tool to enable development, it can only be effective if the people serenely take and domesticate it.

- It must be admitted,
- Understand it,
- Use it
- Integrate it into its daily operation,
- Participate in creation and its evolution, etc. ... it is then a tool.
- Is it possible in our African states:
Essentially weak,
 - With inadequate infrastructure,
 - With a low level of literacy,
 - A burden of certain cultural traditions,
 - Economically weakened by uncontrolled competition in international markets; is it possible to have access to rights and all international instruments governing global governance?

During unstable and overwhelming periods, the social contract of Jean Jacques ROUSSEAU is broken and even over lapses and governments are weakened.

It is therefore during this period, to find the necessary elements for a lasting peace through justice, through the law.

Can we really attain this, if the State and the population do not have the means to acquire national legislation and the sixty-seven (67) international and regional instruments, general and specialized conventions covering the field of the protection of human rights?

PERFECTIBLE EFFORTS

This lack of knowledge of their rights, this non-acquisition of the current legislation should not, however, overshadow the efforts of the primordial action of the United Nations in the field of development through the promotion and protection of human rights in African countries.

Whereas, the development of Third World countries is a major balance in the peacekeeping process.

We have talked about the SDGs and want to recall that the Millennium Development Goals (MDGs) already aims to starting global efforts to combat dishonor and poverty. These building efforts of (ODM and then ODD) goals were based not only on human rights but also on the rights of nature;

We understand why the exercise of human rights and freedoms is an essential instrument of peacekeeping, a prerequisite for the satisfaction of human needs such as education, housing, food, health, employment...

*"The development according to **Paul VI** in the **encyclical populorum progressio**: is the new name of peace".*

On February 27th 1977, when the United Nations commission adopted by consensus resolution 4 "XXXI" it stresses and insists on the responsibility and duty of all members of the international community to create conditions for the full realization of economic, social

and cultural rights "*as an essential means of ensuring the genuine enjoyment of civil and political rights and fundamental freedoms*".

This means to take "*prompt and effective*" measures soon to be concretized by the first major trans-continental cooperation through the ACPs born through the successive treaties of Yaoundé, Lomé I, Lomé II and Lomé III, that could only acquire the necessary efficiency and credibility to the extent that the field of human rights found its stands. Beside these fundamental developments, perhaps the third generation of human rights should be addressed through their two main characteristics:

- Which does not belong to either the individualist tradition of the first generation or the socialist tradition of the second generation.
- It is at the beginning of a legislative process that will allow these third generation Laws to be recognized as full-fledged human rights.

These four new rights said "*right of solidarity*" include:

- Right to peace
- Right to development;
- Right to the environment;
- Right to respect for the common heritage of humanity.

So that human rights and peace in their merging are equivalent concepts for the UN. and these concepts comes out clearly in the seventeen (17) Sustainable Development Goals adopted in 2015 by the United Nations, including the subject 16: "*Peace, Justice and Effective Institutions*" which focuses on the promotion of peaceful and inclusive societies, effective and inclusive institutions, access to justice as a means for sustainable development.

A pacified society is a society wherein justice and equality exist for all.

Jus est ars boni et aequi meaning law is the art of the good and the equitable this means to achieve this common ideal that is to promote access to justice if not to encourage the existence of alternative justice but especially to strengthen institutions and community safety.

"*But what is a right that perishes when the force ceases?* Rousseau asked in: "*The Social Contract*".

It will therefore be necessary for **OSEGA Julius** and other UN peacekeepers not to have died for nothing, to increase the flourishing of the so-called "*Humanitarian*" right by a wider range of "*the right of intervention*" and international assistance. Criticized Establish an executive force capable of upholding the Declaration of Human Rights and most especially to avoid the passivity of the UN Peacekeeping force Criticised in the rural areas of Rwanda in 1994 and in Yugoslavia.

It means to equitably and globally carrying out the "*Duty of humanitarian interference*" keeping in mind the calling of the Diplomate René CASSIN : « *there will be no peace on this planet so long as there any human rights violation of any kind*».

"Leave no one behind"

Thank You