

3D → Trade
→ Human Rights
→ Equitable Economy

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ANNUAL REPORT 2007

MANDATE

3D's Mandate

3D → Trade - Human Rights - Equitable Economy promotes collaboration amongst trade, development and human rights professionals, to ensure that trade rules are developed and applied in ways that promote an equitable economy.

3D's Objectives

Our objectives are:

- To promote collaborative efforts between people working to promote an equitable economy,
- To strengthen the capacity of human rights advocates to raise their concerns with trade decision-makers,
- To encourage the use of human rights mechanisms and rules in support of efforts to promote an equitable economy, and
- To ensure accountability of all economic actors.

3D's Activities in 2007

Publications – 2

Treaty Body Work – 3

Meeting Participation, Training and Teaching – 7

Coalition Building and Provision of Advice – 9

3D Funders in 2007 – 10

Looking to the Future – 10

3D Income and Expenses – 11



FOREWORD

The year 2007 got off to a stimulating start for 3D, with our participation in a seminar in Bangkok on 'The Thai-US Free Trade Agreement: Impact on Human Rights,' which focused on the Thai National Human Rights Commission's assessment of the

likely impact of the proposed trade agreement on human rights.

That a national human rights institution carried out the assessment of a planned trade agreement, in collaboration with a Thai trade NGO, and in a process feeding into



Trade and human rights meeting in Bangkok, January 2007.

human rights supervisory mechanisms to call for assessment of trade-related rules and to hold economic policy-makers accountable, and by providing expertise to professionals and students.

As our work advances into 2008, we have maintained our focus on intellectual property policy whilst also looking at broader trade policy issues. From late 2007 we decided to focus, through 2008, on encouraging human rights advocates to become more active in advocating for fairer rules on intellectual property.

PUBLICATIONS

In July, 3D, in collaboration with Sur – Red Universitaria de Derechos Humanos (Sur) published the Portuguese-language version of the Practical Guide: *Guía Práctica sobre la OMC y otros Acuerdos Comerciales para Defensores de los Derechos Humanos*.

3D's experience of using human rights tools to counter higher intellectual property standards that can restrict access to medicines was reflected in a Cambridge University

Press book entitled *Economic Globalisation and Human Rights*, edited by Professors Wolfgang Benedek, Koen De Feyter, and Fabrizio Marrella. The chapter, entitled 'Making Trade Policies more Accountable and Human Rights-Consistent: A NGO Perspective of Using Human Rights Instruments in the Case of Access to Medicines,' was written by former 3D staff member Davinia Ovetv.



3D's popular Practical Guide to the World Trade Organization has been translated into French, Spanish and Portuguese (pictured above).

In November, we published a country briefing for submission to the Committee on Economic, Social and Cultural Rights: *Costa Rica: Strengthening patent laws, weakening human rights*.

All 3D's publications are available, usually also in French, Spanish or other languages, on our website at www.3dthree.org/en/pages.php?IDc at=5

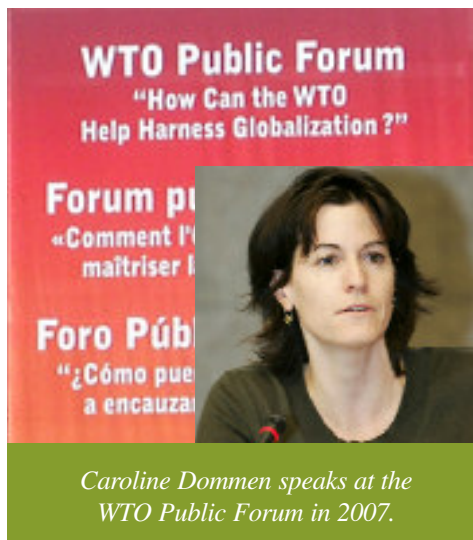
TREATY BODY WORK

3D continued its work to encourage UN human rights treaty monitoring bodies to raise trade-related issues throughout 2007. The treaty bodies include the Committee on the Rights of the Child (that monitors implementation of the Convention on the Rights of the Child), the Committee on Economic, Social and Cultural Rights (that monitors the International Covenant on Economic, Social and Cultural Rights) and the Committee on the Elimination of Discrimination Against Women (CEDAW, that monitors the women's rights Convention). In 2007, 3D's focus

was primarily on the former two treaty bodies.

In February, we worked with groups in Malaysia to submit information to the Committee on the Rights of the Child about how a planned trade agreement between the USA and Malaysia risked affecting children's rights. Based on the information prepared by 3D, Committee members asked Malaysian governmental representatives how they could ensure that trade agreements do not affect provision of generic medicines, particularly for the treatment of HIV/AIDS.

Notably, in response, Malaysia's Attorney-General Tan Sri Abdul Gani stated his country's stand "that generic drugs should not be restricted in any manner," clearly referring to the likelihood that the US might seek, through the trade agreement, to restrict the availability of generics. The same week as the Committee's meeting, US and Malaysian officials were holding a round of talks in view of the Malaysia-US trade agreement, which meant that the Committee's comments were timely and



influential. (See *Malaysia – Attorney-General Defends Generic Medicines Before UN Rights Body*, Information Note Number 6, February 2007, www.3dthree.org/pdf_3D/3Dnote6_Malaysia2007.pdf).

This example demonstrates several of the objectives of 3D's treaty body work. First, the country briefings that we submit to the treaty bodies illustrate, in a concise and country-specific way, the dynamics of how trade or intellectual property (IP)-related policy can affect human rights. The country briefings encourage treaty body members to monitor trade and IP policies and make recommendations to countries

about how such policies can affect human rights. The recommendations treaty bodies make to States on these subjects provide a framework for governmental officials and others to consider the human rights impacts of economic policies, point to the usefulness of ex ante impact assessments, and serve as a benchmark for accountability. Also, the recommendations provide advocacy tools to human rights advocates and public-interest groups working to ensure that trade and IP rules are consistent with development commitments and human rights obligations. Moreover, experience shows that these country briefings have a knock-on effect, encouraging treaty body members and other human rights advocates to raise similar concerns with other countries, even when they do not have a country briefing on this topic before them.

In April, 3D submitted some issues of concern relating to Nepal and trade policy to the Committee on Economic, Social and Cultural Rights, for them to raise with the Nepali delegation. In addition, we suggested some issues that the

Committee could raise with all States parties, to determine the extent to which countries exercise policy coherence between trade policy and human rights obligations, and to encourage States to undertake prior impact assessments of new trade or IP policies.

Both these submissions are available at www.3dthree.org/en/page.php?IDpage=40&IDcat=5

*Visit 3D online at
www.3dthree.org*

In May, we presented a summary of our country briefing about how changes to intellectual property rules in India could affect access to seeds, and thus the right to food and the right to participate in cultural life. We made this presentation to the Committee on Economic, Social and Cultural Rights in advance of the publication of our full country briefing, entitled *India: Trade-related intellectual property rights, livelihoods and the right to food*, in 2008.

To read 3D's presentation to the CESCR, at <http://www2.ohchr.org/english/bodies/cescr/cescrwg38.htm>

3D sheds light on the human rights impacts of IP and trade policy through focused country reports.

In November, we published a country briefing on the possible effects of the Central American Free Trade Agreement (CAFTA) on the enjoyment of Economic, Social and Cultural Rights in Costa Rica. We submitted the briefing to the Committee on Economic, Social and Cultural Rights. This was a timely effort, as Costa Rica had just – narrowly – voted in favour of ratification of CAFTA, and many groups within the country were looking for arguments to strengthen the voices of those critical of the trade agreement. Local advocates were also looking for standards that would help shape the laws the Costa Rican government would have to enact to implement the agreement.

See *Costa Rica: Strengthening patent laws, weakening human rights*, available at <http://www2.ohchr.org/english/bodies/cescr/docs/infongos/3Dcostarica39.pdf>

See also the two information notes about the process: *Human Rights Body Uneasy About Impacts of CAFTA-DR in Costa Rica*, Information Note 7, November 2007, and *UN Human Rights Body Gives Credence to Costa Rica's "No" Coalition: Government Advised to Assess the Impact of CAFTA-DR on the Enjoyment of Economic, Social and Cultural Rights*, Information Note 8, November 2007. Both available via www.3dthree.org/en/page.php?IDpage=26&IDcat=5

During November 2007, 3D also presented to the Committee on Economic, Social and Cultural Rights our concerns about several countries that the Committee is due to consider during 2008, namely Kenya, Nicaragua, the Philippines and Sweden. Read the presentation at www.3dthree.org/en/page.php?IDpage=40&IDcat=5

Towards the end of the year we worked with a consortium of Indian NGOs, sharing with them information on the ways that trade and trade-related policies, as well as IP policy, can affect the enjoyment of the rights set out in the International Covenant on Economic, Social and Cultural Rights, with a particular focus on women's rights. This information was included in the consortium's NGO report to CESCR in 2008.

See *Divided Destinies – Unequal Rights – Economic Social and Cultural Rights and Indian State*, NGO report to The United Nations Committee on Economic Social and Cultural Rights, April 2008, www.pwescr.org/publications.html

MEETING PARTICIPATION, TRAINING AND TEACHING

The many meetings we participated in during 2007 include:

The Thai-US Free Trade Agreement: Impact on Human Rights, Bangkok, January 2007. Caroline Dommen made a presentation entitled 'Implications of Thai-US FTA on the Right to Health' during this meeting,



Zoë Goodman, Programme Officer, researches IP and biodiversity and authored 3D's report on Costa Rica.

attended by 150 human rights experts, policy makers and NGO leaders. She also participated in the following experts' group meeting to help identify ways forward from a regional perspective.

Caroline Dommen taught a class entitled *The World Trade Organisation and non-trade values – human rights*, in March 2007. The students were a group of 30 human rights defenders from national, regional and international NGOs, representatives of national human

rights institutions and governmental representatives, all of whom are active members of human rights organisations and are seeking to use the UN mechanisms in their work defending human rights upon return to their countries.

3D brings experts and civil society representatives together to ensure that WTO policies are consistent with State's legal human rights obligations.

Caroline Dommen organized a session on trade, environment and human rights, for a group of law students from *Tilburg University*, in April 2007.



How Can the WTO Help Harness Globalization?, WTO Public Forum, October 2007. Caroline Dommen spoke on the panel entitled 'Rebalancing Global Norms.'

Meeting of the Consortium on States' Extraterritorial Obligations Related to Economic, Social and Cultural Rights, November 2007. Alexandre Dufresne participated in this meeting, representing 3D as a Consortium member.

Human Rights Impact Assessment in Practice, November 2007. Alexandre Dufresne participated in this Conference, in the context of 3D's proposed work on impact assessment in the context of the WIPO Development Agenda.

COALITION-BUILDING AND PROVISION OF ADVICE

As in previous years, an important component of our work involves one-to-one discussions, providing advice or participating in strategy discussions about work in the areas of trade, human rights, intellectual property, development or related fields, and bringing people together to join forces on issues of shared concern.

For instance, we were in touch with groups in African countries about the idea of a legal challenge to the Economic Partnership Agreements (EPAs), and further spoke with others in the same region about how to use human rights standards domestically, or international human rights mechanisms, to challenge the process and likely results of the EPAs.

3D provided human rights language for initiatives relating to Novartis' challenge of India's legal provisions that make it legal not to allow patents on certain pharmaceutical products. For example we drafted wording for a



letter that Actares (Swiss association of shareholders for a sustainable economy) sent to Novartis before the court case, in March 2007.

We worked with staff of the Office of the UN High Commissioner for Human Rights to identify participants for an expert consultation on guidelines on the design and the implementation of external debt and economic reform policies consistent with economic, social and cultural rights, and participated in the expert consultation, in July 2007.

We continued to moderate the trade, investment and human rights listserv of the International Network for Economic, Social and Cultural Rights, posting questions for discussion, requests for information and other material, as well as building links between members.

3D FUNDERS IN 2007

Our thanks go to the Ford Foundation, the Joseph Rowntree Charitable Trust, the Swiss Ministry of Foreign Affairs Political Department IV, and the Loterie Romande, for their continued support during 2007.

3D uses a human rights framework to analyze global trade rules.



LOOKING TO THE FUTURE

As we embark on a new year of work, we will focus increasingly on three intellectual property-related issues: the World Intellectual Property Organisation (WIPO) Development Agenda, how intellectual property standards can hinder access to seeds and thus the right to food, and how copyright laws and related technological mechanisms can hinder access to educational materials.

3D → THREE INCOME AND EXPENSES

(in Swiss Francs)
1 January - 31 December 2

	Ford Foundation	Ford Foundation IP & HR	J. Rowntree Charitable Trust	Loterie Romande	Switzerland DFAE	Unrestricted	Total	2006
Income								
Governments					40 000		40 000	54 000
Trusts & Foundations	27 446	17 930	26 308				71 684	95 661
NGO							0	8 831
Publication Sales				45		28	28	0
Other						2	47	4 800
Interest						1 648	1 648	65
Total Income	27 446	17 930	26 308	45	40 000	1 678	113 407	163 357
Expenses								
Personnel	20 259	14 819	17 956	0	29 104	0	82 138	91 673
Consultants	2 303	1 250	0	0	1 250	0	4 803	19 061
Professional Services	2 795	17	1 474	0	1 741	0	6 027	4 833
Representation	0	271	90	0	359	0	720	538
Reports & Publications	1 003	0	5	0	1 170	0	2 173	24 839
Workshops & Meetings	0	10	5	0	12	0	27	48
Fixed Assets	0	0	0	45	0	0	45	3 087
Administration	1 086	1 563	6 657	0	6 167	0	15 473	17 565
Fundraising			126	0	16	0	16	48
Governance			26 308	0	181	0	307	69
Total Expenses	27 446	17 930	26 308	45	40 000	0	111 729	161 761
Allocation to Unrestricted Reserve						(1 678)	(1 678)	(1 596)
Balance								