

Rights Tools for Sustainable Development

Workshop on using human rights strategies and mechanisms to support development and environment objectives in international trade

Organized by 3D and INCHRITI

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1. Objectives

The Rights Tools for Sustainable Development workshop aimed to encourage non-governmental organisations (NGOs) working on development, environment and trade-related issues to make more use of human rights rules and mechanisms. The workshop thus had a twofold aim. On the one hand, it sought to provide NGO representatives with information for them to measure the value of using a human rights approach to their work. On the other hand, it aimed to provide a guide to how, in practice, international human rights rules and mechanisms can be of use in advocacy work on sustainable development and economic justice.

2. Background

Human rights law is a binding body of international law and as such should be respected by all policy-makers, including those responsible for economic or environmental policy. Human rights law has many convergences with economic justice principles and offers a range of instruments and mechanisms that can usefully be applied by those seeking to promote economic justice and sustainable development.

Yet most NGOs working towards ensuring that trade and trade rules benefit those who most need it and do not work against the poor and most vulnerable sectors of society base

their work on public policy discourse rather than on the legally-binding standards of human rights law, even though the latter is backed up by procedures for monitoring and implementation that are easily accessible to civil society groups, NGOs, and individuals. The fact that the rules and mechanisms of international human rights law are often poorly known outside human rights circles means that they are not used to their full potential.

3. Participants

As the Workshop aimed to encourage representatives of NGOs working on trade, development, sustainable development and environmental issues to consider increasing their reliance on a human rights approach, it was timed to coincide with the dates of the symposium that the World Trade Organization (WTO) organized for NGOs in 2002 (29th April-1May), as this was a time when many NGOs working on these issues around the world were in Geneva: over 700 NGO representatives had registered to attend the WTO symposium.

The Workshop gathered 17 participants from a range of countries. The group was small in order to maximize the potential for participatory learning. As expected, most participants had little or no prior knowledge of international human rights rules or procedures. The full list of participants and facilitators is in section 5 below.

4. Format and content

Format

The Rights Tools workshop lasted three hours. The time was divided into three parts. The first consisted of an introduction to the international human rights system, its rules, and the procedures for implementing these rules. In the second part, the group broke up into three sub-groups each of which focussed on a different real-life case study. In the sub-groups, participants explored the relevant human rights rules and the procedures available to enforce these rules. In the final session, the full group gathered again to exchange thoughts on what they had learnt in the sub-groups, and to exchange ideas and information for future work in this area and to comment on the approach and content of the Workshop.

Background materials were distributed including a bibliography and a list of useful relevant web-sites, several of UN Human Rights publications, and a description of a case brought to the African Commission on Human Rights by two NGOs on how oil development was interfering with the environment and livelihood of the Ogoni people in Nigeria. These materials were designed to serve as sources of information and a guide to human rights procedures, which participants could refer to after the Workshop.

Content

The facilitators introduced the features of the international human rights system that weigh in favour of its use in advocacy on issues relating to international trade, sustainable development and economic justice. Points included that human rights imply entitlements; human rights include economic, social, and cultural rights; human rights focus on the situation of the poorest and most vulnerable members of society; the legally-binding nature

of human rights gives them a value beyond their moral strength; and their international protection offers means of recourse beyond one's national government. Human rights instruments also impose a legal obligation on States to cooperate internationally for human rights protection.

The relevant international human rights standards were described. It was emphasized that whilst too many States still violate human rights, none want to be *seen* as a human rights violator. Finally, the workings of the UN Human Rights system, including the activities of the Office of the UN High Commissioner for Human Rights, were presented in detail.

The group then broke into three sub-groups to carry out facilitated problem-solving group work. Each group considered a different case study. The cases were chosen to clearly demonstrate the connections between trade, development and environment policy issues and human rights.

Each case required participants to identify what international human rights standards had been violated and how those whose rights were infringed could apply UN or other international procedures to seek redress. The groups spent some time on computers with Internet access in order to acquire practical experience as to where to find relevant and up-to-date information on human rights standards and mechanisms, such as 'is the State in question bound by an international treaty relevant to the case?' or 'what are the treaty and non-treaty procedures that NGOs and concerned groups can apply to seek redress in the case?' The groups also considered strategic issues, for instance how to evaluate which of the available international human rights procedures would be most effective in different circumstances.

The three case studies

- (1) A Haitian subsistence farmer who, although living in a fertile region, is unable to earn a livelihood from the rice he produces as he is competing with large US rice magnates who flood Haiti with subsidised cheap rice. (Case taken from Oxfam International, April 2002)
- (2) An Indonesian farming community had been quite prosperous, until in the 1980s the government implemented a reforestation plan, which forced the farmers to plant trees on their land. The plan was implemented against the will of the local farmers (and with the aid of the Indonesian army). As the forested area expanded, the cultivated area diminished, and the farmers' harvest declined. In November 2001, local police forces burned down 67 houses, destroyed crops and arrested 49 peasants (9 of whom were detained for months) whose land had been claimed by the State Forestry Company. (Case taken from Foodfirst Information Action Network, April 2002).
- (3) Dam construction by a multinational company threatens to displace rural villages in India. Compensation is distributed to some community members, but not to low-caste or 'Dalit' families. Protests are met with violence from the authorities. The private sector developer of the dam proposes to impose user fees for water from the dam, well beyond the means of the subsistence outcaste farmers. (Case prepared by Peter Prove, based in part on the facts of Gujarat's Sardar Sarovar dam construction controversy.)

5. Evaluation and thoughts for future workshops of this type

The Rights Tools workshop was a first step in a process of improving knowledge of how international human rights rules and procedures are relevant in the context of economic policy. The ultimate aim of this process is to support efforts to ensure an equitable international economic system that works to the benefit of all, particularly to the benefit

of the poor and most vulnerable inhabitants of our earth. Intermediate aims of the process include: effectively applying existing tools for holding economic policy-makers accountable to basic principles of respect for human dignity as embodied in States' human rights obligations, contributing to improved coherency in international economic policy-making, and breaking down the traditional subject-area barriers (trade, human rights, environment...) between different NGOs to help them work together more effectively.

Participants set out some of the objectives they were seeking to meet in attending the Workshop, such as how to use international human rights tools for economic justice, how to use the human rights system to promote accountability from economic actors and to counteract negative impacts of trade rules. Several participants expressed interest in understanding whether it would be useful to have human rights standards explicitly recognized by the WTO. At the end of the Workshop, participants expressed the view that it had been a useful few hours, although some commented that the time available was too short to cover the issues in the detail they deserved.

The Rights Tools workshop on 1 May was the first of its kind and in this sense was also a first step in another process: that of developing an optimal format for this kind of Workshop. The experience was valuable in this regard. Our assessment, as well as the feedback from Workshop participants will help improve the design and content of future Workshops of this type.

Many representatives of key development and environment NGOs expressed their interest in the Workshop, and others contacted us to express their regret that they had to organize or attend other meetings – the 1st May was a very busy day in Geneva in terms of meetings relating to international trade, sustainable development, human rights and economic justice. Others who would have wished to participate were unable to do so as travel to Geneva was not possible for them for financial or logistical reasons.

Certainly the level of interest in this kind of event has shown that it is the kind of Workshop that will be replicated in the future, and has indicated some of the inputs that the organizers need to improve in order to make these kind of Workshops increasingly relevant and useful for their participants. We have already received concrete invitations to run this kind of Workshop for other non-governmental groups, and expect to be able to respond positively to this kind of request in the future.

6. List of participants and facilitators

Participants

Romain Benocchio, Oxfam International, Geneva, Switzerland

Edward Dommen, Geneva, Switzerland

Jonathan Hepburn, Quaker UN Office, Geneva, Switzerland

John Hilary, Save the Children International, UK

John Peter Kinuthia, Consumer Information Network, Kenya

Benny Kuruvilla, EQUATIONS, Bangalore, India

John Morijn, European Masters in Human Rights and Democratisation, Venice, Italy

Aida Nejad, Mandat International + 3D Associates, Geneva

Liliana Tatiana Roa Avendano, CENSAT Agua Viva, Colombia

Magali Stitelmann, Center for International Environmental Law – CIEL, Geneva, Switzerland

Marjan Stoffers, Wemos Foundation, Amsterdam, The Netherlands

Myriam Vander Stichele, SOMO - Centre for Research on Multinationals, Amsterdam, The Netherlands

David Vivas, Center for International Environmental Law – CIEL, Geneva, Switzerland

Vicente Paolo B. Yu III, Friends of the Earth International, Geneva, Switzerland

Facilitators

Caroline Dommen, 3D Associates, Geneva

Peter Prove, Lutheran World Federation, Geneva

Simon Walker, Office of the UN High Commissioner for Human Rights, Geneva