

Research and publishing centre on Europe Third World relations

EDITORIAL

To begin, the CETIM invites you to discover an analysis of some of the main issues of the recent Sub-Commission of human rights relating to economic, social and cultural rights. Then, as usual, we will present part of our work in the form of interventions by this body. Finally, we will give you a short review of the Caravan of Farmers of Southern Europe - in which we participated - which was drawn up by one of the organising movements.

The mailing of our bulletin coincides with the large preparation of work by non-governmental organisations faced with the meeting of member countries of the World Trade Organisation (WTO) at the end of November in Seattle. The anxiety of NGO's in this respect has been partly translated by a resolution of the Sub-Commission (see text below). The worries are even stronger as the intention of Western governments is not only to go on with the liberalisation on crucial issues as planned (such as those on agriculture or agreements on intellectual property), but also to open a new round of negotiations, mainly on international competition and investment issues (version MAI). Their ultimate ambition is to offer transnational companies of the North completely "free" markets and complete access to resources in Southern countries for the year 2000!

In light of this, we would like to draw your attention to the development of the working group of the Sub-Commission on transnational corporations and human rights, which held its first session this year in which the CETIM participated (page 3).

Sub-Commission on Human Rights, 51th session

Globalisation, liberalisation, embargoes, military interventions and human rights

This year, the Sub-Commission on the Promotion and Protection of Human Rights met in Geneva from August 2 to 27 to investigate current issues linking the respect of universal rights with international political and economic systems. Although it is generally acknowledged that human rights should not be politicised, they are nevertheless subject to the forceful impact of political and economic actions. Being able to avoid part of the strong political pressure exerted by certain states, the Sub-Commission can, through NGO's impetus, reflect usefully on these topics. Although members of the Sub-Commission are experts appointed by their own governments and cannot claim to be completely independent, they do however enjoy a relatively broad room to manoeuvre.

Globalisation, trade and investment

The topic of globalisation and its correlation with economic, social and cultural rights increasingly figures on the various agendas of United Nations agencies and organisations.

This year, two working papers on this topic were presented to the Sub-Commission: one entitled *Human rights as the primary objective of international trade, investment and finance policy and practice* and the other *Globalization in the context of increased incidents of racism, racial discrimination and xenophobia*.

In the first of these reports, the Ugandan expert Oloka-Onyango, along with the deputy expert Deepika Udagama from Sri Lanka, analyse the Multilateral Agreement on Investment (MAI) brokered by the OCDE and recently withdrawn under pressure of international public opinion.

Both experts conclude that, in form and content, this agreement represents "the ultimate negation of all the basic principles of fundamental international human rights." In the presentation of their study, the experts have stressed that "MAI is not dead" and that it could very well make any given form of comeback at the Seattle Millennium Round of the World Trade Organisation in November and December this year. The authors bring to light the complexities and conflicts inherent to the globalisation process. From an examination of the international scene today, it may be surmised that we are entering an era of a veritable "clash of globalizations". They argue that the unflinching pursuit of an ever more "powerful" trade and investment regime now meets with an increasingly globalised civil society's demands for more stringent norms of answerability and transparency, as well as for more democratic forms of operation.

In the second document, Mr. Oloka uses several examples to demonstrate the link between globalisation and the resurgence of racism: "The process of globalization may itself carry within it notions of racial superiority and discrimination based on a vision of the world seeking to make uniform, to dominate or to suppress." The author then closely scrutinises the nature of the political and economical system supported by globalisation. In his view, this system results in the distinct exclusion of vulnerable groups and a significant rise of intolerance towards other social, ethnic or racial groups.

In the same perspective, the Sub-Commission has adopted a resolution entitled *Trade liberalization and its impact on human rights* which demands that governments and economic authorities, including the World Trade Organisation, in collaboration with United Nations human rights agencies, develop studies on how social repercussions of economic liberalisation policies affect human rights. It asks the High Commissioner for Human Rights to "strengthen all efforts of dialogue" with the WTO and to take measures for the fullest consideration of human rights principles and obligations in all of the agency's future negotiations. This resolution - having considerably softened its previous demands for a moratorium on all negotiations within the WTO pending the completion of ongoing studies on the full effect of economic liberalisation on human rights - resolutely refutes the undoubtedly ideological belief that human rights and economic activity are separate fields.

The Sub-Commission's first working group on **transnational corporations** also met this year. It began with the observation that, despite the considerable power held by these corporations today, they do not respect the responsibilities and obligations consequent to their position, particularly in the field of human rights.

The working group aims not only to analyse the internal policies and actions of multinational corporations, particularly in the field of human resources, but also to study the effects of their activities outside their own firms and branches, such as infringements on national sovereignty through interference in a country's internal affairs, the consequence of monopolies on commercial licences in the South and socio-economic problems linked to ill-timed privatisation decisions.

This analysis should enable the group to develop a code of conduct for these companies, thus facilitating research on mechanisms to implement this kind of legal instrument. Given the general failure of all codes of conduct developed to date (ILO, OCDE, UNCTAD, internal corporations codes...), it has indeed become necessary to

conduct an in-depth reflection on this subject. Behind the scenes, some observations have been expressed as to the usefulness of such a code. Many fear that the difficulty to codify human rights in their entirety, or rather the difficulty for certain States to accept any complete code, will make this instrument a tool for the legitimization of activities conducted by transnational corporations and effectively hamper any in-depth critique. Certain Southern countries also believe that it might prove an instrument of protectionism in favour of industrialised countries. The question of such a code's implementation has also raised doubts. Nevertheless, international legal instruments seem more necessary than ever in the face of the private sector's gigantic power.

Consequences of embargoes

Furthering its considerations on the incidence of economic activities, the Sub-Commission decided to submit a resolution demanding that a working paper be drafted on the question of **economic sanctions and their harmful effect on human rights**. For some years now, the Sub-Commission has expressed concern over the effect of embargoes, such as those declared against Iraq. Strangely enough, there have been requests to address this issue as a subsidiary agenda item entitled *Incidence of humanitarian activities on access to human rights*. Does this mean that economic sanctions should be considered as humanitarian activities? In an unfortunate twist, inspired perhaps by the Security Council's decision to declare an embargo against Iraq, with the alleged purpose of protecting human rights, a resolution has identified these sanctions as "humanitarian activities". And yet according to this same Sub-Commission, sanctions against Iraq are provoking a catastrophic humanitarian situation in this country.

Therefore, another decision has been drafted **"to appeal again to the international community, and to the Security Council in particular, for the embargo provisions affecting the humanitarian situation of the population of Iraq to be lifted."**

This decision affirms that measures such as sanctions should be limited in time and must not affect innocent civilian populations in any way. For evident humanitarian reasons, these sanctions should be lifted even if their "legitimate objectives" have not yet been reached. The Sub-Commission does not question these embargoes or their legitimacy per se, but wishes to express concern as to their negative effects.

NATO Bombardments in former Yugoslavia

In other matters, the Sub-Commission registered its disagreement with the Human Rights Commission by submitting a resolution entitled *Launching of military operations by groups of states with the declared objective to terminate human rights violations*. In an indirect allusion to NATO bombardments in former Yugoslavia, the Sub-Commission "expresses its firmest conviction that the so-called 'duty' and 'right' to undertake 'humanitarian interventions', particularly under threat or by use of force, are devoid of any legal basis under the present writ of general international law and therefore cannot be considered as a justification for the violation of principles established by Article 2 of the Charter of the United Nations." The Sub-Commission thus opposes the position of the majority within the Commission, which adopted a resolution in April condemning ex-Yugoslav acts of violence in Kosovo and rejected a resolution condemning NATO's military interference.

The opposition between the Sub-Commission and the Commission is easily explained. Firstly, the Sub-Commission has greater autonomy of decision, whereas the Commission, composed of government delegations, is more closely bound by political interests and is more likely to be influenced, or blackmailed, by the great powers. Secondly, the resolution does not specifically mention NATO's intervention, even if it is included in its analysis. Finally, it is apparent that the recent series of events in Serbia and Kosovo, since the Commission's latest session, have enabled experts to gain some measure of hindsight over NATO's military intervention.

Opening to criticism

So today, in the area of economic, social and cultural rights, the Sub-Commission sometimes puts the finger where it hurts.

Despite its often moderate positions, notably on the question of embargoes and the WTO's next round of negotiations, this body does not hesitate to tackle more controversial issues, at the obvious cost of considerable struggle against the strong lobby of Western governments and their allies, certain experts or heavily influenced NGO, who are prepared to downplay the importance of such issues or trivialise them at any cost.

This is not the first time that the Sub-Commission examines issues pertaining to contemporary international economic policies. However, over the past few years, the general tendency was more to forward the Sub-Commission's concerns to international financial and trade organisations (notably the IMF, World Bank and WTO), under the pretence that these concerns have nothing to do with human rights. Some argue that the various UN human rights bodies should avoid getting involved with issues in which they are, by definition, "incompetent" and which are not, in any case, pertinent to their mandate, such as those pertaining to international economic activities. It appears that there has been a definite evolution in this respect, most likely as a result of degradations in the international social and economic climate.

To obtain working papers and resolutions mentioned in this document, please contact CETIM (by e-mail or by letter).

WTO, MILLENIUM ROUND in Seattle

The meeting of member States of the WTO will take place in Seattle between November 30th through December 3rd. This meeting may represent a crucial moment in the evolution of world politics with regard to trade, investments and... human rights! In response to the numerous movements of the civil society that are calling for a moratorium on every new negotiation and an evaluation of the global free trade policies concerning human rights since the Uruguay Round, the Northern States answer that the liberalisation and deregulation policies must go on in order to create the necessary basis for development.

For our members, we attach hereto the latest *Echos* of the research group for an alternative economic strategy (GRESEA), which develops some main issues and inside information of this *Millennium Round*. We consider this information vital given the importance of the decisions taken by the WTO.

We urge citizens to act!

Internet sites:

General:

www.seattlewto.org (English; with numerous links);

www.attac.org/fra/index.htm (French)

www.twinside.org.sg (Southern countries, English; Third World Network site)

Analysis in French:

www.monde-diplomatique.fr/dossiers/omc

Summary of the CETIM's Contribution to the 51st Session of the Human Rights Commission

Violation of Human Rights and the fundamental liberties in the world: the Concentration of Land in Brazil, a Policy of Poverty

Brazil is home to an important concentration of land in the hands of powerful landowners: **2.8% of the landowners control more than 56% of the agricultural lands**, and 1% of the agricultural exploitations occupy 45 % of the total surface. Yet, what's more is that 50 % of the small owners, who together own less than 2,5 % of the land, employ around two-thirds of the rural population.

The CETIM denounces the irresponsibility of the Brazilian government which, with its few steps towards including an agrarian reform in the Constitution, hasn't helped in changing the situation. Although there is a lot of land in Brazil, the small farmers for the most part are still without land and resources.

Several facts among others have been pointed out by the Brazilian civil society: first of all, many landowners have no legitimacy to their land; many landed estates are just the simple result of illegal political arrangements. The government thus has to study the foundation of certain estates, which for the most are very vast.

We must also add that a large number of these landowners leave large quantities of land un-exploited, simply because they have no need for it.

Confronted with this problem, the World Bank has issued a project with the help of the Brazilian government in order to give small farmers without land access to credits so they can buy land for themselves. This initiative is criticised by without land farmers movements: why do the poor farmers have to pay back loans made in order to buy land from illegitimate and rich landowners?

The World Bank's project as proposed raises a certain number of problems for the people who will supposedly "benefit" from this project: no access to national credits to help farmers, impossibility for poor farmers to pay back credits; rise in the price of land; reinforcement of the power of the big landowners and their alliances; no access to the fertile land because the owners are the only ones to decide which lands are to be sold...

This unjust distribution of land has caused different movements to revolt, such as Landless Workers Movement (MST). It is widely known that these movements are harshly repressed and numerous violations of their civil and political rights can be cited.

Between 1985 and 1997, 1003 farmers were killed in Brazil; of these, only 56 cases have been brought before justice and only a handful have been tried. Impunity is nearly absolute.

Economic, Social and Cultural rights: the Free Trade Imposed on the South by the WTO and its Consequences

"At the end of the Uruguay Round, the WTO formally began its functions in January, 1995. Among the agreements signed upon this occasion was one that for the first time concerns agriculture, which has a large number of agricultural organisations, NGOs and certain countries of the South preoccupied. **This agreement compels the Southern countries to relinquish control of alimentary imports and other agricultural products.** It also compels the governments of these countries to reduce and eventually cease within a certain timeframe their subventions to farmers and thus expose them to the competition of the international agricultural market.

These obligations are in sharp contradiction with the aid that the industrialised countries give to their producers.

The differences in productivity between the different nations of the world, in particular between Southern and Northern countries, are such that placing these countries in competition will lead to the elimination of the weakest, which would mean the destruction of the economies of the South.

The best equipped farmers of the developed countries and those of a few reduced sectors of the South can attain a level of net productivity of 5000 quintals of cereal equivalent per worker; at the same time, in developed countries, the mass of manual farmers produces around 10

quintals per individual. The brutal shock that will result from the opening of the agricultural markets will only accentuate the irresistible effect of this differential.

The CETIM urges the Sub-Commission to undertake a study on the incidences of free exchange and GATT and WTO agreements on human rights, notably in the agricultural field.



I name your price!

The CETIM's Contribution to the Collaboration on Transnational Corporations

"The CETIM has highlighted the problems caused by the transnational corporations concerning economic, social and cultural rights and development. Unfortunately, we cannot content ourselves by enumerating the fraudulent affairs of these corporations: in fact the dramatic consequences of their activities are covered by laws, such as the ones that run the WTO. Without mentioning every detail, we can evoke some of the economic consequences of the activities of the transnational companies, the elimination of numerous firms and national productions and the disappearance of traditional economies, all caused by unequal competition, particularly in Southern Hemisphere. The pillage of resources — both human and natural —, the repatriation of disproportionate profits (a derisory percentage of the profits are granted to the government and/or development of the country), the restrictions on the transferring of technology, etc.

For what concerns the social consequences, we can recall the rural exodus emphasised by the destruction of the environment and of the traditional ways of production, the transfer of people caused by projects, such as the implementation of big dams, mineral, oil and tourist exploitations; the marketing of unsuited pharmaceutical and nutritional products that jeopardise the health of the population; the precocity of the conditions at work, especially in the free zones (non respect of the international norms of the ILO), etc.

For what concerns the cultural consequences, we can indicate the conditioning of the way of life of different populations caused by transnational media; the standardisation on the international scale of products such as food products, clothing and cinema; etc.

The fields are vast; we must determinate then the juridical possibilities to control the activities of the transnational corporations and therefore consider the possibility or advisability of a "code of conduct".

The Realisation of Economic, Social and Cultural Rights: Cologne and The Need to Reduce the Debt of the Poor Countries; The Deception of the G7.

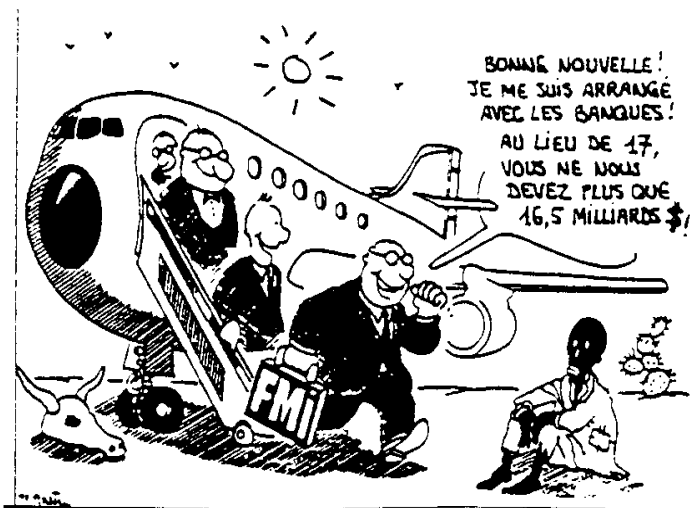
"The CETIM has denounced on many occasions the disastrous effects of the **external debt** on the enjoyment of economic, social and cultural rights in **poor countries**, while questioning the legitimacy of the debt.

We would like to point out to the Commission the farce that was played out in Cologne in the month of June, during the meeting of the G7.

In front of this disastrous situation and the pressure of the international public opinion, which took form in the Jubilee 2000 campaign, the G7 has been forced to make a gesture. Nonetheless, the measures announced will never improve the situation of the poor countries, because the figures put forward by the G7 are scandalously fake. According to their information 90% of the debt of the poorest countries will be cancelled. This is nothing but dust in the eyes and pure deception. According to the analysis of the Comity for the cancellation of the debt of the Third World 1/, which figures in addition to our declaration, the total of the cancellation announced amounts to a maximum of 12 % (25 billion) of the debt of the countries concerned and to a 1.2 % of the total debt of the Third World. Some countries in the South are so heavily in debt that, even after these measures, they will still have to spend almost half of their budget in order to repay their debt. As an example, Mozambique will have to spend 40 % of its budget every year to pay back its debt.

These "relief" measures are even more insidious because they have to follow the application of the Structural Adjustment Programme (SAP), imposed by the IMF and the World Bank, which have a negative impact on the enjoyment of the economic, social and cultural rights of the populations involved.

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Good news: I managed a new deal with the banks! Instead of 17, by now you will owe us only 16.5 billions US\$.

Other Contributions:

This year, the CETIM has also contributed to the question on the return of the **Panama Canal** to the authorities of Panama, the pollution of the areas handed over by the USA and the danger it represents for the population of Panama; the CETIM has also presented the situation of the **Embera-Katio people in Colombia** who are threatened by the construction of the great URRÁ I dam.

The CETIM then denounced the unjust trial of Abdullah Öcalan by the Turkish authorities and the repression on his lawyers; it has once again insisted on the necessity of a study on the **right to water** and has finally recalled its preoccupation for the possible following given to the **Multilateral Investment Agreement** inside the WTO.

INTERCONTINENTAL CARAVAN OF PEASANTS IN EUROPE (May-June 1999)

We would like to return to an event last spring in when we got strongly engaged, and offer some extracts of a review given by Indian peasants and written by Professor Nanjundaswamy, President of the Farmer Movement of the State of Karnataka (KRRS). We invite you to come to our offices or visit the Internet site <http://stad.dsl.nl/~caravan/> to consult the newspaper clipping of this astonishing expedition.

Despite any organisational problem, "Caravan has been having a very positive effect on some of the farmers' movements in India - it surely did on the KRRS. The Caravan has made the participants to start a serious debate about introducing changes in the organisational structure and also in the contents of the movements.

It is only because of the Caravan that a new National Coordination of Farmers' Organisations is going to emerge, for the first time with a new thrust on the concepts of property, techniques of production, model of development, gender issues, untouchability and landlessness. There is a serious effort to formulate exchange programmes from and to India to the activists of various movements, both North-South and South-South. Besides influencing changes in the organisational structure (from pyramidal to horizontal) and the political agenda of movements, the general effect of the Caravan has been the broadening of the vistas of activists relating to various issues apart from those relating to food and agriculture.

The realities of the North were totally different than the celluloid projections to which people were earlier exposed to in the South. Maybe this was the reason for initial minor conflicts which gradually diminished. Some European activists appeared in the beginning not just eurocentric but also eccentric. But at the end of the day there definitely is an understanding of diverse cultures, which is the beginning of a firm foundation for solidarity. A better solidarity could have developed if there was time enough for real debates on the differences in the movements, as there is definitely a big hiatus between the 'Ideals' and the 'Actual', between our 'Ends' and our 'Means', both at the collective and at the individual level. Future efforts to remove this hiatus would give a real direction to the global movement. European women activists have really enthused the women of Karnataka. Rumbblings of a strong women's movement are becoming apparent here at home. Their desire is running high with the optimism that a global women's solidarity can change this world faster.

Personally I am looking forward to better days of global organisation and struggle."

Short News Item

Ismail Besikci, the Turkish sociologist sentenced to some two hundred years of imprisonment for the simple fact that he has written about the Kurdish question, and for whom CETIM has held a campaign (see Bulletin no.1, august 1996), was able to leave the special prison of Bursa last September the 15th. His conditional freedom is the result of a new law relating to press and publishing that provides for a sentence to be suspended for three years on condition that the person at question is not charged for the same thing during this time. Besikci declared that it was only the eighth time that he was authorised to leave. *"This leaving is not an liberation (...) one does not commit the same crime for three years. One says that an opinion and the expression of an opinion are offences."*