

## Research and Publishing Centre on Europe Third World Relations

### EDITORIAL

The Spring issue of this Bulletin focuses primarily on the Human Rights Commission and our activities at the Commission.

We are also publishing a summary of the presentation made at the CETIM General Assembly by the Burundi Ambassador, who had attended the WTO Conference in Seattle. He offers insight into the position of the Southern countries on the WTO negotiations.

We draw your attention to a very important international event that will take place in Geneva at the end of this month. We shall be attending the follow-up conference to the Copenhagen Social Summit (1995) where governments set goals for social development. Theoretically, governments should be evaluating the attainment of these goals during a Special Session of the UN General Assembly in Geneva. The Swiss Confederation has taken the initiative of organising a parallel Forum called Geneva 2000, with a view to starting a "dialogue" between the different international "actors", including representatives of industry, the WTO, the IMF and many different NGOs.

On this occasion, CETIM will organise three meetings of which a detailed description is reproduced in the Annex.

Meanwhile, as has now become customary, a number of organisations have decided to call an alternative summit to voice the demands of social movements around the world. It will also be an opportunity to strengthen the struggle against neo-liberal globalisation. This major event has the support of CETIM, and the programme is also reproduced in an annex.

### Highlights of the 56th Session of the Human Rights Commission

Published in the Geneva daily Le Courrier on 13 June 2000

This year once more, the media have drawn public attention to a few country resolutions, in particular those on China, Cuba and Chechnya.

The purpose of this article was to recall some activities of the Commission which are little known but which involve vital issues dealt with in its resolutions.

Some resolutions worth mentioning this year are those on the foreign debt of developing countries, on the right to food and on toxic wastes. (The resolutions can be found on the web site of the United Nations Office of the High Commissioner for Human Rights: [www.unhchr.ch](http://www.unhchr.ch).) They are a firm appeal by the South to the power holders of the world.

On the question of foreign debt, the resolution affirms that "the permanent solution to the foreign debt lies in the establishment of a just and equitable international economic order which guarantees the developing countries, inter alia better market conditions and commodity prices, stabilization of exchange rates and interest rates, easier access to financial and capital markets, adequate flows of new financial resources and easier access to the technology of the developed countries."

On the right to food, the developing countries stress "the importance of reversing the decline of official development assistance devoted to agriculture, both in real terms and as a share of total official development assistance."

These same countries also categorically affirm that "the illicit movement and dumping of toxic and dangerous products and wastes constitute a serious threat to the human rights to life and health of populations and individuals, particularly in developing countries...."

It should be stressed though that the adoption of these resolutions was no easy matter: some were adopted by a vote whilst others were passed by consensus. The countries of the North, supported by the countries of Eastern Europe, voted overwhelmingly against the resolutions on debt and toxic wastes. As to the resolution on the right to food, only the United States ventured to vote against it.

It is very instructive to examine closely the position taken by the rich countries on some burning issues. For example, on the question of the "Effects of structural adjustment policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights", the countries of the North and Japan declared that the Human Rights Commission was not the appropriate forum to examine it. According to them, the International Monetary Fund and the World Bank are the competent authorities. Whatever the "relevance" of their argument, this sort of assertion speaks for itself: the rich countries dominate these institutions whose voting systems are pegged to the financial support of each member state...



Hello - This is the Chicago Stock Exchange. I want to know the price of my wheat.

A similar argument was put forward for the resolution on toxic wastes, yet inadequate international law on this issue and, above all, the non-respect of the Basel Convention have been repeatedly denounced, in particular by the African countries. Thus for six weeks, the Human Rights Commission was turned into a battle field between the countries of the North and those of the South, between civil and political rights, on the one hand, and economic, social, and cultural rights, on the other!

This is not new. The countries of the North have historically favoured civil and political rights but often according to their own criteria and reasoning. "The Human Rights Commission gives good and bad ratings, like a lottery", as a local newspaper very aptly put it<sup>1</sup>. The uncommonly strong offensive against China this year was certainly no coincidence, as it took place a few weeks before the difficult negotiations between the European Union and China dealing with the latter's entry into the World Trade Organisation, and a vote in the American Senate on the same subject. The Commission however was silent about the increasing divide in China between the rich and poor, which is equally detrimental to human rights. As to the resolution on Cuba, which was narrowly passed, it also had its underlying economic reasons related to investments in that country.

More generally, although having accepted long ago the indivisibility of the various human rights, Western countries are once again increasingly reducing them to individual rights as opposed to collective rights, an approach in line with the economic model that they are imposing on the entire world. The adoption of resolutions, such as those commented on above, gives rise to doubts as to the stand of these countries, which appears to be determined above all by economic and political interests. Thus their votes come as no surprise.

As for solidarity, the United States misses no opportunity to reiterate that from now on it will favour trade over development assistance. Following this logic, after having specifically asked for a vote on the right to food, the U.S. delegation was the only one to oppose the resolution. It argued that the text violated the Universal Declaration of Human Rights while declaring loudly that it was through its transnational corporations and their plentiful offer of agricultural products that the United States was fighting hunger in the world! Japan echoed these views, going so far as to say that development assistance was not a right, and thus denying at the same time one of the fundamental principles of the United Nations. In the same vein, the great majority of the rich countries argued for making international aid conditional on development, alluding copiously to such noble ideals as the institution of democracy, the respect for human rights and good governance. What was nowhere made clear though is who will decide, and how, whether or not a "recipient" country fulfils these conditions.

The speeches of world leaders leave one wondering. Without wishing to draw hasty conclusions, one can note that they appear to challenge the very principles on which the instruments that they claim to defend are based. The move from the concept of charity to that of rights, from the law of the most powerful to the quest for democracy, as well as the drafting of instruments of international law, have been the reward of the long struggle by the peoples themselves, although these advances have come only at a very high price. Consequently, what conclusions are to be drawn from the current trend of replacing the principles of co-operation and solidarity between nations by trade and charity?

The question arises therefore whether focusing attention on China or Cuba is not a tactic to evade the real problems that confront the majority of humankind: "All human rights are universal, interrelated and interdependent." Has the Human Rights Commission forgotten this truth?

### Summary of CETIM's Statements at the 56th Session of the Human Rights Commission

#### *The Realisation of Economic, Social and Cultural Rights: the "African MAP"*

Since December 1997, the White House has consistently been presenting draft legislation aimed at strengthening the monopolistic position of United States transnational corporations on the African continent. From the draft bill *African Growth and Opportunity Act* to the *African Trade and Development Bill of January 1999*, the United States president has defended a vision of growth in Africa based on the famous slogan of "TRADE not AID". The lowering of custom barriers between the United States and the African continent and the strengthening of trade are supposed to bring about economic development modelled on the NAFTA. This latter, a trade agreement linking the United States, Canada and Mexico, has caused some one million families to fall into extreme poverty.

Not content with imposing its policies on the signatory countries to such an agreement, the United States of America would like to make these policies into conditions for all the sub-Saharan States wanting access to the United States market even under current tariff accords. Countries not fulfilling the US conditions (including WTO membership, the application of structural adjustment programs, the reduction of taxes on foreign and national corporations, the privatisation of the public services etc.) or those not wishing to adhere to the *Africa Trade and Development Bill* plan would no longer benefit from preferential tariffs. These conditions recall those proposed by the *Multilateral Agreement on Investment (MAI)*.

The adoption of the *Africa Trade and Development Bill* amounts to planning the certain death of millions of Africans, because it would not only erode the sovereignty of these countries as this affects their development policies but would also undermine African interests in their own local economies and impose US control over the natural resources of the continent. It is clear that the North American transnational corporations would be the ones to benefit from *Clinton's African plan*.

CETIM supports the call of the delegates of the *Preparatory Conference for the setting up of an international court for Africa* held in Johannesburg from 27 to 28 February 1999 and which calls for 1) complete cancellation of the debt; 2) the refusal of all structural adjustment projects; 3) opposition to all privatisation projects; 4) the respect of the principle of the rights of all peoples and nations to exercise full control over their destiny; and 5) the immediate closure of foreign military bases on the African continent.

#### *The Realisation of Economic, Social and Cultural Rights: the Question of the Foreign Debt of Developing Countries.*

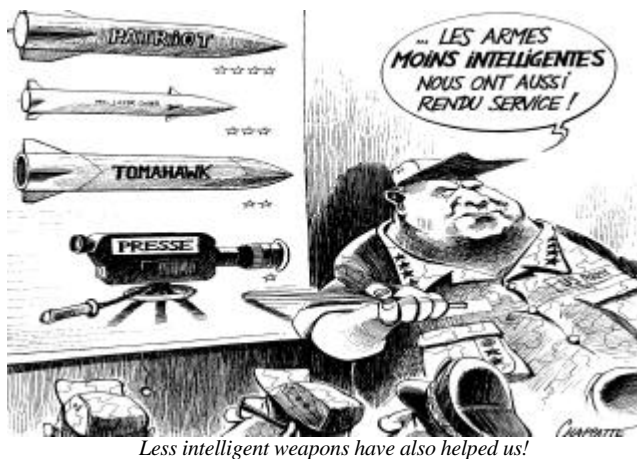
Together with the American Association of Jurists, CETIM has proposed a certain number of reforms and procedures to address the haunting problem of the foreign debt of developing countries. Though we may be firmly convinced of the utterly political character of the debt issue and the need for cancellation, there will be no durable solution to this question unless the fundamental structures governing and perpetuating unequal development are challenged. Putting into effect policies diametrically opposed to the "laissez-faire" of neo-liberalism is at the heart of the solution of the debt issue.

We have made two major suggestions. First, organisations

<sup>1</sup> Le Temps of April 19, 2000. This article offers good element on this subject.

of civil society must be given the methodological tools that would enable them to define clearly the origins of country debt and to trace the course of its different components. *Transparency* would be the driving force of this initiative. It is in fact common knowledge that part of what constitutes the debt has been diverted from its intended purpose and has been moved to the North or has never left the North at all! Another part of the debt, later "nationalised", is private in origin or covered by very dubious "public guarantees"; some is even the result of totally fictitious accounting. It is clear that any investigation would require mobilisation of local populations and international co-operation.

Secondly, there is a need for a substantive legal discussion on the rights underlying the question of foreign debt. Denounced by numerous researchers and movements, the "obnoxious debt" highlights a glaring injustice that is in contradiction of all moral principles. As examples it suffices to mention the debt accumulated by the apartheid regime of South Africa or by the instigators of the Rwandan genocide. The same applies to debt incurred by dictators, which democratic governments should refuse to recognise. It is essential that the principle, regularly invoked, of the continuity of the State should be rethought in the light of social justice and the respect for human rights.



*Less intelligent weapons have also helped us!*

### ***The Violation of Human Rights and Fundamental Freedoms in any part of the World: The Consequences of the Embargo against Iraq, and the Use of Depleted Uranium.***

The Iraqi people have been under an embargo now for some 10 years. Depriving them of basic means of survival since 1991, this sanctions regime has caused hundreds of thousand of victims amongst the civilian population. The whole Iraqi social structure is in a shambles, the health and education systems being the most affected. Moreover, to date, the continued bombings by the Allied forces continue to destroy what is left of the economic infrastructure, which used to be one of the most developed in the Middle East. Transport and communication have been reduced to a minimum owing to a shortage of vehicles and spare parts and as a result of the damage to the railways, now reduced to 15% of their capacity.

Our will to denounce the fate of the civilian population enduring the full brunt of the United Nations sanctions led CETIM and a group of NGOs to organise the Conference *Iraq: Embargo + Uranium = Genocide*, held in Geneva on 17 and 18 of last March. More than 500 participants from different political backgrounds as well as persons from various parts of

the world accepted our invitation. The conference was able to tackle not only the issue of the Embargo but also the use, during the military operations of the Allies, of weapons containing depleted uranium (more than 800 tons), which causes, among other things, cancer and birth defects. The variety of new military technologies tested has made Iraq a contaminated area for many decades to come. The air is heavily ionised and the level of radioactivity is dangerously high. All the propaganda about a "clean war" merely conceals a culture of death and purely economic interests.

Beyond the embargo, the legality of which is questionable under the terms of the UN Charter, the use of depleted uranium, the continued bombing, and all the unilateral actions taken against Iraq constitute for CETIM and associated NGOs a flagrant violation both of general international law and of humanitarian law.

### ***Violation of Human Rights and Fundamental Freedoms in any part of the World: Chad - Cameroon Petroleum Project and its Impact on the Enjoyment of Human Rights.***

In the absence or inadequacy of national and international law regulating the activities of transnational corporations, CETIM and four NGO partners are concerned about the massive human rights violations committed by these corporations and carried out with the approval of governments from both the North and the South. This occurs particularly in the oil sector, as is exemplified by the gigantic project of more than 1050 km of pipeline across Chad and Cameroon.

The project raises many problems. First, given the current political situation, it is doubtful that any socio-economic development would devolve upon the populations of the two countries. Most likely, corruption and nepotism will "devour" any benefits. However it should not be forgotten that there is no corruption without a briber. The transnational corporations play a central role in the perpetuation and spread of this phenomenon (e.g. the Elf scandal in Gabon). Second, the direct consequences of the project on the inhabitants of these regions give rise to grave concern (e.g. the destruction of the environment, leading to the loss of means of livelihood and the loss of the very habitability of the land). The risk of reigniting the conflict in Chad cannot be excluded either. Thirdly, the varied and repeated pressures such as threats, arbitrary arrests, etc. to which opponents of the project are subjected are reprehensible.

Our joint declaration requests the Human Rights Commission to intervene with the governments of Chad and the Cameroon to safeguard the physical and moral well-being of their people and the fundamental liberties of the opponents to the project, and to ensure the participation of the local populations in decision-making. Moreover, a call is addressed to the World Bank member countries to suspend all credits for the project, until an independent and in-depth study has been made of its impact on the local population and the environment.

## CONFERENCES

CETIM organised two parallel conferences during this year's session of the Human Rights Commission. One dealt with the situation of the indigenous peoples of Colombia, with the participation of Mr Neburuby Chammarra Panesso, a

representative of the Embera people, and Ms Tatiana Roa of the Friends of the Earth and the Oilwatch Network in Colombia, who described their struggle against the Colombian Government and multinational companies. CETIM has issued several statements on this question at the Commission and the Human Rights Sub-Commission.

The second conference focused on the consequence of the use of depleted uranium by the United States and other NATO members during the bombings of Iraq and Kosovo. We print a summary below.

***The Use of Depleted Uranium: the Cases of Iraq and Kosovo.***

The five guest speakers presented in turn the history, the consequences and implications of using depleted uranium. Mr Dan Fahey, a former officer of the United States Navy, gave a historic overview of the use of depleted uranium by the United States and its effects on the human being. The Pentagon has always either denied the negative effects of depleted uranium arms or minimised their risk. Dr Houda Salah Amache, president of the Association of Micro-Biologists of Iraq, gave alarming figures on mortality rates and the spread of disease. Some diseases, such as malaria, polio, and cholera had practically disappeared before the Gulf War. The number of unexplained birth defects has also dramatically increased, as has the risk of cancer (a sevenfold increase). At the same time, the embargo, in place since 1991, has only aggravated these phenomena through the weakening of the health care system and through the weakening of the stamina of the people from malnutrition. Ms Karen Parker, a representative International Educational Development, noted the illegality of the use of depleted uranium during conflicts, according to the Geneva Conventions. Whilst no treaty explicitly mentions it, the use of depleted uranium constitutes a violation of the right of civilian populations to protection during conflict (limitation of scope) as well as the principle of the temporality of the effects of these arms used (limitation in time).

Mr Alejandro Teitelbaum, representative of the American Association of Jurists raised the issue of the lack of any right of appeal and also questioned the legality of the use of depleted uranium. Finally, the last guest speaker, Mr Robert James Parsons, a journalist from *Le Courier*, presented the Kosovo situation. The post-conflict investigations conducted by the United Nations Environmental Programme leave open to question whether the use of these arms in the region leaves any serious contamination. At the same time, the World Health Organisation, having announced that it was preparing a fact sheet on depleted uranium, was put under pressure by the International Atomic Energy Agency to cancel it. A "generic" study on Depleted uranium as a heavy metal contaminant, announced for May of this year, has been postponed to December.

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**EVENTS**

*CETIM invited an African ambassador, who had been a negotiator at the third WTO Ministerial Conference in Seattle, to be the guest speaker at its General Assembly. It seemed important to have the viewpoint of a government participant of the South so as to get inside information.*

***Summary of the Statement by Mr Adlophe Hahayo, the Ambassador of Burundi, on the Third WTO Ministerial Conference***

*The second Ministerial Conference had given a clear mandate to the Seattle Conference: to assess the implementation of existing agreements before embarking on any new negotiations. For the developing countries to take advantage of the growth expected from the opening of multilateral trade, WTO had foreseen the following arrangements:*

- special and differential treatment with regard to a number of agreements such as the agreement on intellectual property, but also on OTC, the MIC and SPS, etc;
- access without quotas to the markets of the developed countries and a longer transition period than for other countries in order to allow for the introduction of legislative reforms embodying the WTO rules;
- the maintenance of trade development subsidies except in the case of concrete compensatory measures.

*During the preparation for the Seattle Conference, the developed countries refused this approach, claiming that it entailed a disguised effort to renegotiate an agreement that has already been concluded. They therefore suggested that this assessment be made together with the new negotiations on such issues as competition, the easing of trade, the transparency of public markets, direct foreign multilateral investment, labour standards, electronic commerce, etc. There was however consensus on starting discussions on the "integrated program", namely renegotiating the agreements on agriculture, services and the ASPIC. For the sake of inter-institutional coherency, the developing countries, the Africans in particular, wanted to include the question of debt and structural adjustment programs among the issues to be negotiated. "We had not been able to discuss the substance of these issues," noted the Ambassador.*

*The main reason for the failure of the Seattle negotiations was the lack of consensus and even the lack of a search for consensus. Some developed countries elaborated a strategy of bypassing the General Council, a strategy which became famous as the "green room" and which sidelined most of the Southern countries. It was only at the insistence of the African countries that Kenya, as co-ordinator of the group of African ambassadors at the WTO, was admitted into the closed circle of the "green room". As far as the African ambassadors were concerned, all they saw was the efforts of United States to "by pass" them. Aware of the in-depth knowledge of the issues that the ambassadors had acquired as a result of previous conferences and UNCTAD's training seminars, the United States established direct contact with ministers in the various capitals and invited other African ministers present in Seattle to a working lunch in which the ambassadors were not included.*

*Since the "green room" tricked them, the different working groups on the "integrated program" were unable to complete their work. This confusion, among other things, led the speaker for the regional groups of developing countries to denounce the lack of transparency in the procedures of the Seattle Conference. An anecdote: an African ambassador seeking advice from his capital was asked by a minister of his country: "But who was the madman who signed the GATT agreements?"*