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CETIM

Europe - Third World Centre
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**“There is not a developed world and
an underdeveloped world
but a single world badly developed.”**

EDITORIAL

The Declaration on the Rights of Peasants and other people working in rural areas was recently adopted by the UN, by a large majority. This is above all a victory for the organizations involved, in particular La Via Campesina (LVC) which has played a central role through the whole process, but also for organizations representing fishermen and women, nomads, people working in animal husbandry, indigenous peoples and agricultural workers.

It is also the successful culmination of CETIM's steadfast commitment to a seventeen year struggle, alongside LVC and other rural associations, for recognition within the UN of the rights of peasants and other rural populations.

The Declaration has become an international reference: now we must tackle its implementation: at the national and international level.

In order to support all the various steps in this direction, CETIM will publish in the first trimester of 2019 a book on this exemplary struggle. This work will present among other things the content of the Declaration and some tracks for its concrete implementation.

In relation to the work on transnational corporations (TNC), a very disappointing project for a treaty was presented to the UN Intergovernmental Working Group last October: it represents a step backwards in relation to the discussions which were held over three years. An analysis of the treaty project is provided in this bulletin.

In a Declaration submitted to the ad hoc UN Working Group, CETIM reiterated the basic elements of the Right to Development, and set out in detail the major obstacles to the implementation of this fundamental right.

In response to the criminalization of Mapuche leaders and the controversial investment projects of TNCs on lands belonging to these Chilean people, CETIM intervened once again to denounce the violations of the rights of the Mapuche people.

Funding remains essential to our struggle and CETIM needs your support in order to undertake its many activities. Any contribution, however small, is welcome and we thank you in advance.

PEASANTS' RIGHTS

A HISTORIC VICTORY: THE DECLARATION ON PEASANTS' RIGHTS HAS BEEN ADOPTED!

The Declaration on the rights of peasants and other people working in rural areas was adopted by the UN General Assembly in New York. This is a historic victory for peasants and for the organizations that have supported them for 17 years.



Delegation of La Vía Campesina in New York.

The adoption of the Declaration on peasants' rights is the result of a long years of work by CETIM and its partners, including Vía Campesina, an organization that represents millions of peasants worldwide.

Let's start with a simple observation: peasants (with their families) represent nearly half of humanity but their rights are denied in many countries. Famine, poverty, expropriations, these are just some of the problems they confront every day.

"It is the peasants of Vía Campesina that decided that states must recognize their rights" explains Henry Saragih in a book on this subject that will be published soon by CETIM (see page 8).

Seventeen years of struggle

The process followed by Vía Campesina to obtain recognition of their basic rights is exemplary. Delegates from various countries started by

drafting Articles of the future Declaration. Then they established an entry into the United Nations with the help of CETIM. This Geneva based organization which has consultative status with the UN, acts as an interface between that institution and social movements.

"The key elements of the Declaration, to name but a few, are the right to land and natural resources, the right to a decent income and to the means of production, the right to seeds, the right to social security and of course, to food sovereignty." explains Melik Ozden, Director of CETIM.

The Declaration on the rights of peasants and other people working in rural areas was adopted by the UN General Assembly in New York. It will allow the populations concerned to assert their rights (such as the right to seeds) and to participate in decision making on agriculture, fishing, agrofood policy

and any issues affecting their communities. Furthermore, this tool will serve as a reference for developing programmes and policies relating to peasants, whether it be to integrate their rights in national legislation or to negotiate international trade agreements. Finally it will be an important tool for institutions and those defending human rights. In short, for any entity involved in the question of peasants' rights.

All that remains now, is to implement this Declaration. Quite a challenge...

PEASANTS' RIGHTS

A VICTORY WIDELY REPORTED IN THE MEDIA

The adoption of the Declaration on the Rights of Peasants by the Human Rights Council in Geneva (1st stage in the process) was widely commented in the french speaking media. Here are some examples of reports on the subject.

Le Media devoted considerable time to the Adoption of the Declaration on the Rights of Peasant. In a special programme that you can view on our "Médias" page, Théophile Kouamouo provides a clear and interactive analysis of the European Union's position on peasants.

Radio Lac and *Radio Cité* interviewed Melik Ozden on the subject of the Declaration of the Rights of Peasants.

Le Courier, *Gauchehebdo*, *l'Evènement Syndical* and many other papers also covered this magnificent victory of La Vía Campesina, CETIM and their partners.

The recordings and articles can be accessed in French on our website at www.cetim.ch/droits-paysans-dans-les-medias



Théophile Kouamouo of the *Media* talks about the Declaration on the Rights of Peasants.

HUMAN RIGHTS

THE MAPUCHE PEOPLE: CRIMINALIZATION OF THEIR LEADERS AND TNC INVESTMENT PROJECTS

For more than twenty years, Chile has witnessed increasing mobilization of indigenous peoples demanding respect for their rights to land, to natural resources and to recognition by the State.



In collaboration with the Ethical Committee against Torture and the Colectivo Nuevas Generaciones Chile (New Generation Chilean collective), CETIM submitted a written declaration¹ on the phenomenon of criminalisation of the Mapuche peoples' struggles in Chile. The De-

claration states in particular: "The constant denial of the legitimate demands of the Mapuche people by forestry companies and the State has as a consequence the depredation of territorial spaces associated with the habitat necessary for the reproduction of the Mapuche culture".

Hector Llaitul, spokesperson for the Arauco Malleco Coordination, was not able to attend the CodH. The Chilean government did not deliver the passport allowing him to visit Geneva. But following efforts by CETIM and other partners, Chile allowed Hector Llaitul to leave the country in order to attend the Working Group on Multinationals in October 2018. Good news which we are happy to share with you.

¹ Mapuche Peoples' Rights in Chile: the issue of ancestral lands and criminalization of Mapuche leaders and communities.

TRANSNATIONAL CORPORATIONS

A DISAPPOINTING DRAFT TREATY ON TRANSNATIONAL CORPORATIONS

The first draft treaty on TNCs was presented to the Working Group responsible for elaborating a Binding treaty to regulate the activities of multinationals in Geneva in October 2018. As usual, CETIM has made an active contribution to the activities of the Group, arranging for dozens of civil society representatives to participate in the debates.

The draft treaty presented by the presidency of the Working Group (held by Ecuador) fails to adequately respond to the issues at stake. It represents a step backwards with regard to the discussions which have taken place in the last three sessions¹.

Indeed, the draft treaty in question does not stipulate the direct obligations of TNCs, nor does it contain an international mechanism for an effective implementation of the future Treaty. However, these are key points which could even be said to be the very purpose of the existence of the Working Group.

Establishing the direct obligations of TNCs is a central focus, as it will allow



The Intergovernmental Working Group on TNCs, October 2018, Geneva.

victims and affected communities to sue these companies when they violate rights. Without this, the status quo will remain in place, whereby victims and affected communities may, when possible, lodge a complaint against

the State in order to obtain compensation for the damages incurred as a result of the violations or crimes committed by corporations. In other words, the current situation sees the people and citizens called upon to clean up the mess left by TNCs.

Implementation of an international appeals mechanism

(the Global Campaign calls for a specific court to handle matters relating to TNCs) is also a key issue, given that many States are powerless, subject to blackmail or do not have the political will necessary to sue TNCs. The implementation of an international appeals mechanism will allow victims and affected communities to appeal to this court in the

¹ See the "Documents of Elements" presented to the Working Group in 2017, which should have been used as a basis for drafting the treaty.

event that national appeals mechanisms fail.

For the *Global Campaign to Dismantle Corporate Power and End Impunity*, which CETIM forms part of and coordinates at the UN, the draft treaty must address the expectations of victims and affected communities in their search for justice above all, but also protect peoples and citizens from the dangers which TNCs pose to democracy. With this in mind, the Campaign has presented comments and specific proposals concerning the draft treaty with a view to improving its content².

Having said this, the presentation of the initial draft treaty nonetheless allows the continuation of the UN process and encourages States to begin negotiations.

Following its work on the draft treaty, the Working Group has now granted States a period extending to the end of February 2019 in which they can send comments and proposed amendments.

² See the written contribution from the Global Campaign, among others.

TRANSNATIONAL CORPORATIONS

IMPUNITY MADE IN EUROPE

CETIM and its partners have been part of an important research for the future of the process in view of the drafting of a binding Treaty on multinationals. This document is based on a specific perspective, from the Old Continent.

"The EU and the corporate impunity nexus. Building the UN binding treaty on transnational corporations and human rights" is a report that begins with an historical narrative explaining the infiltration of multinationals into the UN system. Then, the report shows that the arguments of the European Union and of the lobbies of the private sector against standards aiming at regulating the activities of multinationals are the same, stubbornly defending the voluntary norms that have shown their inefficiency, in the ultimate goal of the sabotage of any attempt to go forward in the direction of binding rules. The report also contains a series of

case studies contradicting with concrete examples the affirmation that European companies are more "green" and "responsible".

In this document, Raffaele Morgantini (CETIM) explains that "the lobbying of the private sector has always played a central role against the attempts to develop binding legal standards on TNCs, which is seen as a threat to their commercial interests and to profit maximisation. Thus, this phenomenon is now an integral part of the United Nations system. The strategy employed by TNCs and their lobbies can be divided into two main components: the delegitimiza-



The brochure *The EU and the corporate impunity nexus*.

tion of the process for the treaty and the use of pressure, blackmail and/or threats against States. We must oppose this destructive trend and take back control of the United Nations system: the future

of democracy and social justice is at stake."

You will find the full document on our website.

HUMAN RIGHTS

KEY POINTS FOR A TRUE RIGHT TO DEVELOPMENT

It may seem incongruous to discuss development or the right to development at a time when the idea of zero or negative growth is gaining ground in the West because of the frenetic exploitation of natural resources. However notions such as "development", "development aid" or "economic growth" must not be confused with the right to development.

Adopted in 1986 by the UN, the Declaration on the Right to Development specifically refers to the participation and the contribution of "every human person and all peoples" to "economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized" and it requires that all may "benefit from this development". This Declaration constitutes an international instrument of primary importance, for it asserts the right to development as a human right in all its dimensions and unequivocally clarifies the principles that should regulate international relations, all in a spirit of equality and mutual respect tending toward its full realization. It emphasizes collective rights, the right of peoples to choose their own development model, and insists on international cooperation among countries, a cooperation which is not reduced to simple international aid, even though such aid may be deemed "essential". In this regard, it constitutes, overall and along with the corpus of human rights instruments, a further instrument for

peoples in the struggle against neoliberalism.

A text was presented at the 19th session of the Intergovernmental Working Group on the Right to Development (April 2017) in the context of the debate on the development of a Convention on the Right to Development (an instrument with a binding legal status). Below are some extracts. The complete text is available on our web site.

The discussion within the Working Group deals with the implementation of the right to development. Most of the elements contained in the two documents presented to the Working Group for the drafting of a convention on the right to development are significant and praise-worthy. However, we should like to remind the assembly that the basic reference for the right to development is the Declaration on the Right to Development adopted by the United Nations General Assembly in 1986 in order to achieve the desired objective. (...)

Having said this, we wish to make several proposals

regarding the measures to be taken in order to eliminate the obstacles to the realization of the right to development. In our opinion, the following are the most important and urgent measures to be taken.

1. Respect for the sovereignty of states and of the right of peoples to decide their own future: the right of peoples concerns above all their right to participate in decision-making, a right that is violated today everywhere in the world.

2. International cooperation must be based on good faith. The recourse to threats, black-mail, conditions and the use of force must be eliminated.

3. Current rules for trade and investment must be radically changed, for they favor the monopoly of transnational corporations in all areas and constitute a major obstacle to the realization of the right to development. These rules must be subordinated in particular to the right to development and in general to human rights.

4. Foreign debt continues

to be a burden for many of the countries of the Global South. Furthermore, it is subject to conditions and does not serve the development of the countries concerned but constitutes an instrument of domination in the hands of the powerful at any given time.

5. Radical measures must be taken against fraud and tax evasion, which deprive states of substantial income with which to honor their commitments in the realization for their populations of the right to development in particular and human rights in general.

6. At present, transnational corporations have many rights but no responsibilities. It is urgent to impose a legal framework on their activities to prevent them from violating the right to development and other human rights. (...)

DID YOU SAY FREE TRADE?

THE ECONOMIC "PARTNERSHIP" AGREEMENT EUROPEAN UNION – WEST AFRICA

By Jacques Berthelot

Preface by Mamadou Cissokho and Ken Ukaoha

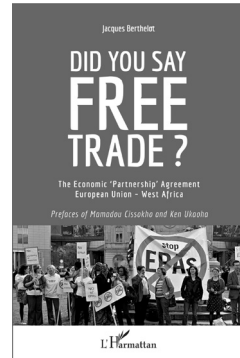
This book provides a detailed analysis of European Union (EU) trade policy with West Africa (around fifteen countries)

Published in June 2018, it contains up to date information that reveals the serious threat that this trade policy represents to already fragile economies. It would result in the loss of 76% of their customs revenue on importations from the EU, a large increase in unemployment and loss of

productivity in their own industries.

Source of despair for young Africans, a further boost to clandestine migration, shipwrecks and... the extreme right wing in Europe? Who said to govern means to predict?

The book is written by a renowned expert, specialist in agricultural policy, university professor, retired from the



Ecole nationale supérieure agronomique, Toulouse). The book is addressed to readers who are keen to grasp the technical aspects of this curious and inappropriately named Economic Partnership Agreement (APE).

Available from l'Harmattan, ISBN: 978-2-343-15043-7, in paperback (€ 17.50, 160 pages) and electronic version.



Jean Ziegler was the first UN Special Rapporteur on the Right to Food from 2000 and 2008. In this book, he explains to his grand daughter the world's "cannibal" regime, the capitalist regime, which according to him is the most unjust form of organization in the history of the

planet, one that guarantees neither freedom nor well being of humanity. The author explains, in simple terms the birth of capitalism, the means of production and the kind of social organization. He covers all stages of its development: the enslavement of blacks, the serfdom of the Middle Ages, and under development.

In this book, Jean Ziegler also proposes tools for struggle. Indeed according to the author, utopia is a tremendous historical force, which is becoming reality one step at a time. Things that were thought impos-

sible have been achieved after long struggles: the abolition of slavery, the emancipation of women in the West, or the setting up of systems of social security.

The text is also full of precise and concrete examples, often linked with current events.

It was published by Editions du Seuil, in Paris.

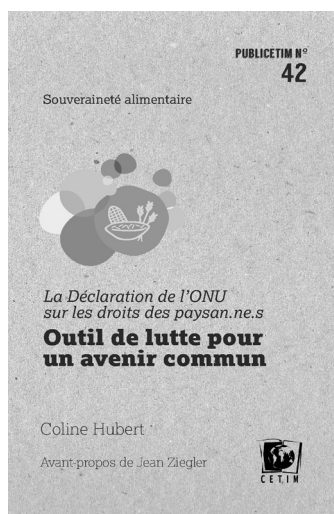
EAN 9782021397239 2018, 128 pages, CHF 10,90/€ 9.

LE CAPITALISME EXPLIQUÉ À MA PETITE-FILLE

(en espérant qu'elle en verra la fin)

By Jean Ziegler

FORTHCOMING PUBLICATION



By Coline Hubert
Preface by Jean Ziegler

Price: CHF 15 / € 13
PubliCETIM
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2019

THE UN DECLARATION ON THE RIGHTS OF PEASANTS

A TOOL TO FIGHT FOR A COMMON FUTURE

An idea that sprang from an Indonesian farmers' union can go far... right up to the adoption of an international instrument at the United Nations!

The UN and its Human Rights Council do not belong only to heads of state and diplomats. Peasants have proved it, people can change international law. An idea emanating from a farmers' union, representing the hopes of millions of people, can become an international instrument in the ser-

vice of progressive movements.

At the beginning of the new century, farmers who came together in the Via Campesina movement, decided to take on the UN and gain recognition for their basic rights. After 17 years of struggle, the efforts of the farmers and their allies were rewarded – the UN Declaration on the Rights of Peasants was adopted by the General Assembly of the United Nations.

So how did a farmers' initiative become a UN Declaration?

This book recounts a process that is unique in its kind and remains an inspiration for other movements around the world. The most memorable moments, the power struggles, the strategies and the stages of this amazing adventure are all described here.

The book also provides a detailed presentation of the Declaration of the Rights of Peasants,

an indispensable instrument for healthy food, for farm-saved seeds, for protection of the environment and biodiversity, for the protection of food producers, but also for many other future common struggles.

This book will be published in an ebook version in English at the beginning of 2019. You can already reserve it at this address: contact@cetim.ch at the price of CHF 5/€ 4.

LET'S COME TOGETHER TO SUPPORT THE VICTIMS OF MULTINATIONAL CORPORATIONS!

We need your financial support to continue to fight for people affected by the human rights violations committed by multinational corporations. Landless peasants, indigenous people, women, children and workers: they need our solidarity.

CETIM assists grassroots movements in their activities, supporting them through the complicated workings of the UN system. All of this requires significant sums of money!

For example, a donation of 200.- can help a resistance movement to take action against the activities of multinational companies using UN mechanisms for protecting human rights in

Geneva; a donation of 100.- will contribute to training managers of social movements in defending human rights, etc.

Any donation, no matter how small, will be of help to us!

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AGAIN, THANK YOU. WE ARE COUNTING ON YOU