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**“There is not one developed world
and one underdeveloped world
just one maldeveloped world”**

EDITORIAL

The UN Food Systems Summit, held in New York last September, was a resounding failure. In other words, the effort of agribusiness, with the support of certain States and the manipulation of the UN to formalise and strengthen its grip on the agrifood sector on a global level, failed. This is probably why, neither the UN, nor the advocates for agribusiness “broadcast” the results of this summit, even though every effort was made to announce with great fanfare that it was taking place.

In fact, this summit achieved none of its four goals, which were the following: 1) To hold a public debate on this vital issue; 2) to adopt tangible, various actions with measurable results, to enable the so-called sustainable development goals to be achieved; 3) To draw up a set of principles for the States in order to mobilise their food systems to accomplish the sustainable development goals; 4) to implement a follow-up system for the actions and results achieved.

In such a vital debate for humanity, the exclusion of family farming representatives, the main food producers globally, was in itself an incomprehensible, incoherent and undemocratic move, while, with encouragement from the World Economic Forum, a privileged position was given to large agrifood

companies. From that moment the legitimacy of the summit was jeopardized. Not to mention the credibility of the UN which, as a public institution, is tasked with defending the general interest and not the specific interests of big business.

In this context, the peasant and rural organisations showed their strength and determination by boycotting this summit. It is also interesting to note that one of the seven principles of action proposed during the official summit was the establishment of “trust”...

The two opposing sides, peasant agriculture on the one hand, that is respectful of the environment and biodiversity, and agribusiness on the other, based on intensive industrial agriculture and profit, will be the main theme of the first issue of new digital CETIM bulletin.

In relation to the UN process for a binding treaty on transnational corporations, negotiations are at risk of grinding to a halt, as we will look at in the following pages.

Finally, you will also find in this bulletin, a brief review of three books that the CETIM will publish very soon.

HUMAN RIGHTS

TWO UN SPECIAL RAPPORTEURS QUESTION THE CHILEAN GOVERNMENT ABOUT THE CRIMINALISATION OF INFORMAL COMMERCE

On 28th May 2021, two Special Rapporteurs from the Human Rights Council challenged the Chilean government on the subject of the human rights violations raised by the “Red de defensa de los territorios Araucanía” and CETIM. The questions focused on the criminalisation and ill-treatment of female street vendors, especially those from the Mapuche communities in the town of Temuco in the Araucania region of Chile as well as Chilean and migrant street vendors.



The UN Special Rapporteurs on extreme poverty and on the rights of indigenous people, who were behind the interpellation, underscored the importance of informal commerce for rural people and stated that it was an ancestral tradition for those living in extreme poverty. The Rapporteurs recalled that Chile must, in line with ILO Convention 169 on indigenous peoples and tribes, acknowledge the importance of cultural activities in indigenous communities to ensure their self-sufficiency and economic development.

Furthermore, the Rapporteurs underlined that informal commerce is legal, given that the Chilean Constitution guarantees the freedom to pursue an economic

activity as long as it does not run contrary to morality, public order or national security and that it does not break the law. However, the regulation of it is the remit of Chilean municipalities which can regulate activities by decree. On this basis, the town of Temuco issued decree no. 3 in 2018 to ban street commerce in the town centre, which was applied by the police force. The Rapporteurs regret that, in the process, vendors were subjected to ongoing violence and repression as well as cruel, inhumane and degrading treatment at the hands of municipal inspectors.

The violations invoked concern the right to life, to physical integrity, to freedom and safety as well as

the right to work, preventing people from carrying out activities to cover their needs, which compounds their poverty and vulnerability.

The Rapporteurs also stated that the decree issued by the municipality of Temuco directly affects the rights of indigenous peoples, without their prior consultation. The UN experts concluded with a series of eight questions addressed to the Chilean government to clarify the situation. There was also an annex recalling the relevant international human rights instruments, which Chile has to uphold.

RESPONSE FROM THE GOVERNMENT AND MUNICIPALITY OF TEMUCO

On 28th July 2021, two months after the appeal of the Rapporteurs, Chile only partially replied to the questions regarding the measures put in place to guarantee the respect of physical and mental integrity, to freedom and safety as well as the street vendors' right to work. The response thus ignores five out of the eight questions asked by the Special Rapporteurs.

The “Red de defensa de los territorios” and CETIM are pleased that the UN Rapporteurs pointed out that the bans on street commerce are incompatible with international frameworks on human and labour rights.

Furthermore, this case demonstrates the role that UN human



rights mechanisms (UN Special Rapporteurs in this case) can play to rectify illegal situations on a local or national level. These mechanisms need to be appropriated and used in the perspective of grassroots social demands.

Decree no.3 in Temuco should therefore be repealed to make way for a new local regulation which fully involves street vendors and guarantees the application of

labour law as well as the participation and physical and psychological integrity of all the people in the town including street vendors.

It is now the duty of competent authorities to rectify this situation which breaches the human rights of the most vulnerable people in the country, in line with the observations of the Special Rapporteurs. The “Red de defensa de los territorios de la Araucanía” and CETIM

will remain committed to defending the rights of street vendors in Temuco, and will continue striving (on a local, national and international level) to protect their rights and ancestral traditions to allow them to escape famine. In this regard, and given the incomplete response from the Chilean authorities, the two organisations will continue to advocate for the repeal of both the decree and regulation on street commerce to protect the rights of the people concerned.

Report presented to the UN Rapporteurs by CETIM and the Red de defensa de los territorios (in Spanish) :

https://www.cetim.ch/wp-content/uploads/Carta-a-Relator-Especial-Extrema-Pobreza_comercio-informal-Chile.pdf

Statement by the Rapporteurs (in Spanish) :

<https://spcommreports.ohchr.org/TMResultsBase/downloadPublicCommunicationFile?gId=26440>

Response from the Chilean government (in Spanish) :

<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36469>



TRANSNATIONAL CORPORATIONS

THE LONG JOURNEY TOWARDS A BINDING TREATY ON TRANSNATIONAL CORPORATIONS

At the end of October, negotiations led by a UN Intergovernmental Working Group (IGWG) continued in Geneva with the aim of drafting a binding treaty on respect for human rights by transnational corporations (TNCs).

Protected by market forces and buoyed by their economic strength and political influence, TNCs are largely able to evade democratic and legal control due to their transnational nature and complex structures, which they use to circumvent domestic and international regulations.

To address this power imbalance and bring an end to the impunity of these corporations, the IGWG has been working on a binding international treaty since 2014.

Until recently, the IGWG Presidency, held by Ecuador, 'took note' of comments from States and other 'stakeholders' (civil society organisations, trade unions and business representatives) and

presented a new version of the draft treaty at each session.

At the seventh session, the group adopted a new working method. The participating States presented their amendments directly during the discussions. Although this method is more transparent, it revealed the Presidency's helplessness and lack of political will to obtain a majority that would enable to move forward in the elaboration of a strong treaty.

In fact, it is impossible to reach a consensus due to the power of TNC lobbying and the lack of political will among some powerful States. With this method, the negotiations looked set to stall. A new structure called 'Friends

of the Chair' was set up with the aim of pushing the negotiations forward, but its vague, opaque nature inspires little confidence.

Moreover, the fact that participation has been extended from umbrella organisations to any company in the business world may undermine the negotiations as they act as both judge and jury.

OBSTRUCTION, HEDGING AND DELAYS: THE 'WALTZ' CONTINUES AMONG OPPONENTS OF THE TREATY

This year, States' participation was weak due to constant pressure from TNC lobbies and public health restrictions. Despite this, a number of States from the Global South in particular (South Africa,





Egypt, Pakistan, Philippines, Argentina, Venezuela, Cuba, Namibia, Palestine), as well as China and Russia, participated actively in the negotiations and made (largely) constructive suggestions in the perspective to respect the Human Rights Council's mandate to draft a binding treaty targeting TNCs and their global value chain.

Meanwhile, the thunderous return of the United States to the IGWG is nothing to celebrate, as the country fights any binding regulations on TNCs. At best, the US proposes a series of political acrobatics to reintroduce the Guiding Principles established by former special representative of the Secretary-General, John Ruggie, which were adopted ten years ago and have since proven ineffective. The voluntary nature of these regulations for TNCs¹ position States as spectators to their human rights violations.

Throughout the week, the United States' stance was defended by their loyal allies. The European

Union and Switzerland praised the benefits of voluntary regulations, reiterating the view that the version of the binding treaty under discussion was too 'prescriptive'. Brazil – and, to a lesser extent, Mexico – participated very actively but sought to drain the draft treaty of all substance.

FAULT LINES PERSIST

The draft treaty that is currently on the table (the third version since negotiations began) still contains a number of important gaps. Although important elements have been included, it is lacking in key areas such as its scope, which is too broad as it includes local SMEs that have nothing to do with TNCs; specific obligations for TNCs with regard to human rights, and an effective, efficient mechanism for enforcing the treaty.

In response, CETIM, which has played an active role in the discussions as a member of the Global Campaign², presented several amendments to address these

gaps. These amendments relate primarily to the joint and several liability of parent companies to their value chains in civil, criminal and administrative matters, the rights of affected communities and individuals, the question of jurisdiction (home state, host state), and an effective, efficient international enforcement mechanism.

With such urgent issues at stake, States must overcome their differences if they wish to preserve their sovereignty and ensure that their people's right to decide on their future is respected – indeed, it is the role of States to guarantee these rights.

The ongoing negotiations concern far more than a mere international treaty; they represent the fight for global social justice. Social movements are determined to ensure that the process treaty is not derailed, that it guarantees access to justice for affected communities and that it regulates the activities of TNCs and their value chains in a binding manner.

An abbreviated version of this article was published in *Le Courrier* on 15 November 2021.

¹ The US is proposing a framework convention based on the Guiding Principles, with no constraints for TNCs.

² The Global Campaign to Reclaim Peoples Sovereignty, Dismantle Corporate Power and Stop Impunity encompasses more than 200 members, representing victims, affected communities and social movements from around the world.

HUMAN RIGHTS

CETIM'S DECLARATIONS AT THE UN

During the 47th (21st June – 13th July) and the 48th (13th September – 8th October) sessions of the Human Rights Council, CETIM submitted different declarations, which are presented below.

THE REPRESSION AND VIOLATION OF HUMAN RIGHTS IN PALESTINE

CETIM and the Union of Agriculture Work Committees Palestine issued a declaration denouncing the repression and systematic human rights violations committed by the Israeli occupation forces and settler groups against the Palestinian peasantry.

In another declaration, CETIM denounced Israeli policies who violate the economic, social, and cultural rights of the Palestinians, in addition to the terms of the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas.

CORPORATE LEGAL RESPONSIBILITY: DUE DILIGENCE OR MANDATORY STANDARDS?

CETIM and its partners have expressed their concerns on the tendency of the Expert Working Group on Business and Human Rights to reduce the legal responsibility of corporations to the extremely limited component of due diligence.

EXAMINING THE INTERGOVERNMENTAL WORKING GROUP'S REPORT ON THE RIGHT TO DEVELOPMENT

During the last session of the Intergovernmental Working Group on the Right to Development, CETIM presented several proposals with the goal of improving the content of the draft convention.

These proposals featured and established important concepts, such as human development and protecting the rights of the poor – including peasants, women, and indigenous people amongst others – which allows them to take part in the decision-making process and the selection of the development model which best suits their needs.

We believe that the future Convention on the Right to Development should contribute to the establishment of a new international economic order founded on people's sovereignty and cooperation between states. The implementation of such a system should

be integrated in the framework of the entire UN system, the international financial system, and both the multilateral and bilateral trade system.

INEQUALITIES IN THE CONTEXT OF THE COVID-19 PANDEMIC

During a debate organised by the Human Rights Council on the widening inequalities in relation to the COVID-19 pandemic, CETIM intervened to draw attention to the policies themselves which caused said inequalities and the collapse of public health systems within numerous countries following the pandemic, whilst continuing to highlight the efforts made by social movements to remedy them.



THE IMPACT OF UNILATERAL COERCIVE MEASURES

The effects of unilateral sanctions have worsened during the COVID-19 pandemic, as they represent a clear obstacle in the fight against COVID-19.

These sanctions contribute to the dismantling of the economic systems of the affected countries and weaken their capacity to secure certain goods and technologies, primarily impacting the civilian population and violating all categories of human rights, most notably economic, social, and cultural rights, in addition to the right to development.

Read all of our declarations in full on the CETIM website.

PUBLICATIONS

IN THE PENSÉES D'HIER POUR DEMAIN COLLECTION

NAWAL EL SAADAWI

A collection of texts compiled by Hafidha Chekir

Nawal El Saadawi was born in 1931 in Kafr Tahla, a village in the Lower Egypt delta, north of Cairo. She is the second in a family of nine children.

Her family tried to have her married at 10 years old, but she resisted and from then she opposed the traditional roles attributed to girls: "When I was small," she writes in *La face cachée d'Eve*, "I had to stand up to the entire family to have the right to read and to broaden my knowledge."

Combining theoretical thinking and daily action, Nawal El Saadawi has been one of the primary Arab

feminists to break the taboos in relation to gender relations, female sexuality, and to denounce different forms of repression and of dependence that the patriarchal and capitalist order forces upon them.

Her battles for human rights, for women and the popular classes have marked the global feminist movement.

Price : CHF 11 / € 8,50

ISBN : 978-2-88053-143-0

Release in bookshops March 2022

COVID-19 ET NÉOLIBÉRALISME 21 : SORTIR DU MALDÉVELOPPEMENT

By Murad Akincilar

The book *Covid-19 et néolibéralisme 21 : sortir du maldéveloppement* traces the Covid 19 pandemic to a web of causes including the decline in biodiversity, the commodification of nature, the neglect of prevention measures and unequal access to healthcare; a multifaceted crisis driven by political and economic violence since the beginning of the 1970s.

The book presents a frontal challenge to the entire neoliberal edifice as the system responsible for crimes against vulnerable and colonized peoples

and ecosystems. It explores the critical question today: Is a more "sustainable", more "humane", more "inclusive" and more "green" post crisis model – but one that remains neoliberal – acceptable to social movements?

Price : CHF 15 / € 13

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Available in bookshops March 2022

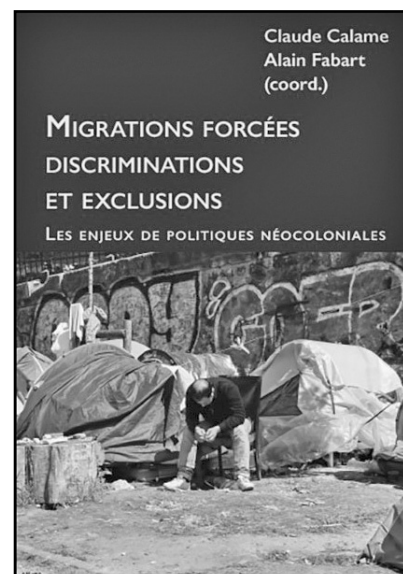
RECOMMENDED READING OF A PUBLICATION CREATED

BY A CLOSE ALLY OF CETIM

**MIGRATIONS FORCÉES, DISCRIMINATIONS
ET EXCLUSIONS : LES ENJEUX DE
POLITIQUES NÉOCOLONIALES**

Coordinated by Claude Calame and Alain Fabart

Editions du Croquant
ISBN 9782365122467



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PUBLICATIONS

**LA MONNAIE :
DU POUVOIR DE LA FINANCE
À LA SOUVERAINETÉ DES PEUPLES**

By Rémy Herrera

What is money, where does it come from, what is it for? Does it increase national and international inequalities? For many people, these are technical questions – and rather tedious ones. As for economists, they disagree among themselves about the function of money. However, the fact is that this question determines the living conditions of everyone on earth and merits discussion – widely and democratically.

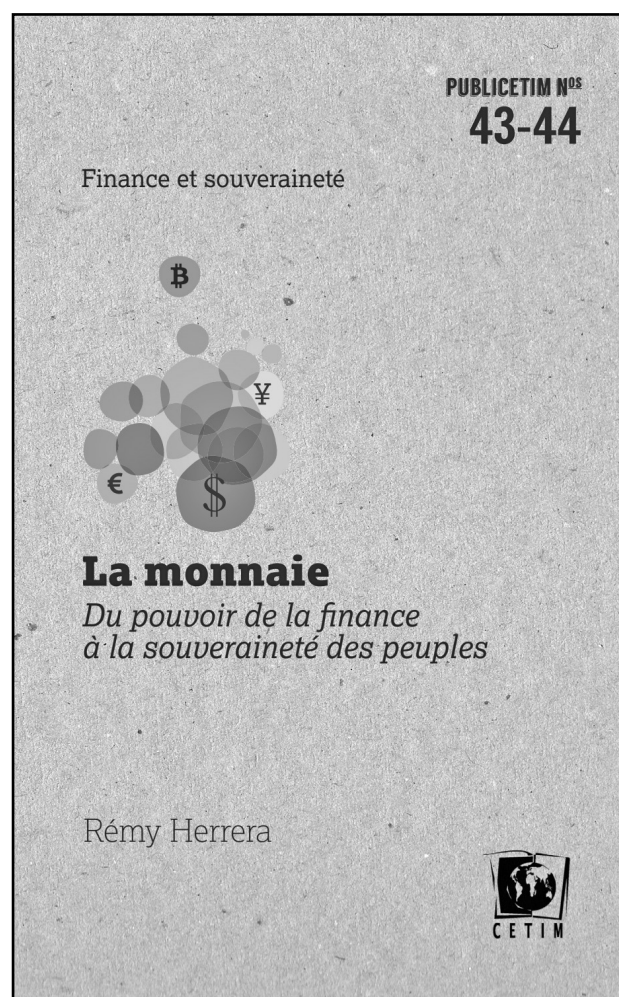
Rémy Herrera's book analyses how developments in the world capitalist system have consolidated supremacy of the US dollar over the past decades but also how this hegemony has recently been challenged, not only by initiatives resulting from growing state resistance but also by the boom in cryptocurrencies which raises many questions.

Price : CHF 15 / € 13

PubliCETIM

ISBN : 978-2-88053-142-3

Available in bookshops February 2022



FUNDING APPEAL

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