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

EDITORIAL

As we go to press, the UN Climate Summit (COP 27) has ended in failure, even though the Global South – heavily impacted by the climate crisis – have succeeded in obtaining the creation of a compensation fund: the fund's effectiveness has yet to be demonstrated. Should we be surprised by this outcome? In our view, no: we see no significant policy changes and no constraints on the major polluters, i.e., the transnational corporations with their value chains.

The commodification of nature has been going on for more than three decades (patenting of life forms, privatization of natural resources and of common goods, etc.). Everything can be bought, everything can be sold, to the point where the companies that pollute most and the countries that emit most CO₂ can buy "polluting rights" from countries that are virtually CO₂-neutral – and that is perfectly legal under the Kyoto Protocol!

Adopted in 1997 at COP 3, the Kyoto Protocol was touted as the solution to the environmental crisis. Now it is increasingly used by the big polluters, as it gives them not only a figleaf of "legality", but also a clear conscience, and for minimal outlay. Yet we all know that it is impossible to resolve the climate and environmental crisis without a radical change in our methods of production and patterns of consumption.

So why do governments still stand around like extras instead of taking a leading role? According to the Swiss Minister for the Environment, the failure of COP 27 is the fault of the fossil fuel lobby. How is it possible that some lobbies can carry so much weight in a matter as crucial as the environment, which is essential for life on earth? The answer lies in the neo-liberal policies that have been promoted, imposed and enforced on a global scale by the overwhelming majority of governments for several decades. Basically, these policies delegitimize action by the State and any involvement of the people in decision-making, while privatizing public services and subordinating a country's resources to private interests, even if this sometimes leads to armed conflict.

So it is hardly surprising that the UN – summits, bodies and specialized agencies – is infiltrated by these lobbies. Indeed, we saw recently how they once again tried to delay indefinitely the UN's adoption of a binding international treaty to regulate the activities of transnational corporations. This Bulletin contains an analysis of these new manoeuvres.

You will also find an article on our work for the implementation of the Declaration on the Rights of Peasants. Though often "forgotten" by public policies, peasants actually provide solutions in terms of preserving the environment and biodiversity, as well as in the frugal use of natural resources such as water.

PEASANTS' RIGHTS

TOWARDS THE REALIZATION OF PEASANTS' RIGHTS : CHALLENGES AND ACTIONS

Since the adoption of the UN Declaration on the Rights of Peasants and Other People Working in Rural Areas in December 2018, peasant organizations – under the lead of La Via Campesina (LVC) – have thrown themselves into a new campaign for the implementation of the Declaration.

As a long-standing partner of LVC in the defence of peasant family farming, CETIM plays an active and prominent role in efforts to promote the Declaration, particularly at the international level and within the UN.

We are well aware that the road to the realization of peasants' rights will be a long and rocky one. Agribusiness continues to tighten its monopoly power on food systems around the world. Moreover, the sector's impact on government policies (influence peddling) is a major and growing problem. The very core of its strategy is to make public institutions serve its interests. Influence peddling – which puts profits and shareholders before the human rights of peoples and citizens – represents a real challenge for the realization and implementation of peasants' rights.

Despite this complex and seemingly unfavourable context, the struggle of the international peasant movement and its allies is gaining in strength and peasants' rights are beginning to be realized at different levels. This is the result of the mobilization of peasants' organizations in several countries,

publicizing the Declaration, educating their members on its content and use, and demanding that the authorities in those countries implement peasants' rights. And we can see that in several countries legislation is being drafted in the light of the provisions of the Declaration (e.g. Nepal's Peasants' Rights Act). Similarly, more and more court cases and rulings are based on those provisions (e.g. a Canadian court judgement on the rights of rural migrant workers). All of which shows that the implementation of the Declaration is well and truly under way.

ACTION WITHIN THE UN

CETIM and its partners advocate the creation of an international monitoring mechanism on peasants' rights, in the form of a new special procedure of the UN Human Rights Council. Its task will be to monitor the implementation of the Declaration at the national and the international levels. The mechanism will thus provide political and legal leverage to back up the effective implementation of the rights enshrined in the Declaration. To achieve this goal, CETIM and

its partners have organized several events in the UN and have taken the floor in various UN spaces.

For example, at the 50th session of the UN Human Rights Council in June 2022, LVC, CETIM, FIAN International, the South Centre, the Office of the United Nations High Commissioner for Human Rights and three diplomatic missions (Bolivia, South Africa and Luxembourg) organized a conference on the implementation of the Declaration. It was the first event of this kind since 2018.





It was a great success, and the breadth and diversity of countries and stakeholders attending showed that the promotion of the Declaration is on the agenda at the UN as a priority.

At the occasion of the World Trade Organization (WTO) Ministerial Summit, also in June 2022, LVC sent a nearly 40-strong delegation to Geneva. In this context, CETIM and the peasants' delegates organized an international demonstration against the WTO and developed advocacy efforts towards the diplomatic missions of their respective States to get them to back efforts to implement the Declaration, and in particular to support the establishment of an international monitoring mechanism.

Then, during the 51st session of the Human Rights Council, in September 2022, another LVC delegation came to Geneva to continue the advocacy work and lay the groundwork for the creation of the said mechanism¹.

On 3-4 November 2022, CETIM and LVC attended the Social Forum. This is an annual meeting convened by the Human Rights Council which aims to "promote social cohesion based on the principles of social justice, equity and solidarity, as well as to address the social dimension and challenges of the ongoing globalization process". This year's Social Forum focused on achieving the goals of the International Decade of Action, "Water for Sustainable Development", 2018-2028. So it was an appropriate event at which to argue for greater ownership of the Declaration as a key instrument for the promotion of economic and social rights, which tend to be sidelined by neoliberal globalization forces. The LVC and CETIM speakers described the important role peasant family farmers play in water management and

underlined the importance of the Declaration as a roadmap for confronting the climate crisis. Also during the Social Forum, CETIM and its partners organized a conference on the right to water, which discussed how that right is intrinsically bound up with the rights of peasants and with sustainable food systems.

We hope that in 2023 the Human Rights Council will move towards the creation of this international monitoring mechanism and that the new body will effectively help to make peasants' rights a tangible reality on the ground.

Information and training: a website on the Declaration

As has been said before, the realization of peasants' rights also requires an enormous effort of information and training. To this end, LVC, CETIM, FIAN International and the Geneva Academy have been working on a project to set up a website devoted entirely to the promotion of the Declaration: *Defending peasants' rights. Platform of rural struggles in action!* The site is officially launched in December 2022.

It will serve as a collective learning and advocacy platform for peasants' rights. It is intended as a space in which to collect and disseminate information and training materials, examples of implementation of the Declaration, legislative and policy developments, and legal cases touching on this issue. The aim is to make peasant movements' strategies for struggle available to a wide audience, and also to help coordinate organizations and movements with similar attitudes towards changing the world's agri-food systems, i.e., that strive to do so in a way that respects the environment, biodiversity and peasants rights, and whose starting point is one of social and climate justice.

¹ See article at www.cetim.ch/peasant-rights-at-the-top-of-the-un-agenda/

TRANSNATIONAL CORPORATIONS

"LIBERAL DEMOCRACIES" AGAINST BINDING REGULATION OF TRANSNATIONAL CORPORATIONS

The 8th session of the UN Intergovernmental Working Group on Transnational Corporations, charged with the elaboration of a binding treaty for the respect of human rights by these entities, was held in Geneva in great confusion and a tense atmosphere (24-28 October 2022).

In issue 64 of our bulletin, we had already raised concerns about manoeuvres aimed at diverting the said working group from its trajectory. During this 8th session, these manoeuvres have not only continued, but have intensified. In violation of the mandate of the Working Group and in full contradiction with the work carried out so far, the presidency of this body (held by the Ambassador of Ecuador to Geneva) presented, unilaterally and under the pretext of "facilitating negotiations", new text proposals. This action was clearly aimed at radically altering, weakening and diluting the draft treaty (3rd revised version), while imposing these new proposals as an alternative background document for negotiations.

This maneuver not only created confusion in the ensuing talks but also allowed powerful opponents of this process, who supported this diversion, to contest the development of a treaty in accordance with the mandate of the Working Group. It would appear that this is the very result that the presidency was seeking, since the Western camp in particular has systematically referred to these proposals in order to delegitimize the 3rd revised version of the draft treaty. The latter, despite its shortcomings, due to attempts to dilute its content on the part of the critics of the process, is the result of several years of debate

in the Working Group and remains the only legitimate document for further negotiations. Note that this 3rd revised version also contains excellent provisions thanks to the work of a number of countries which have carried forward the demands made by social movements, following relentless advocacy work carried out by the Global campaign of which CETIM is part¹.



The following is a brief summary of the positions of the participating States at the 8th session of the working group. For the United States and countries subservient to it (the European Union, the United Kingdom, Japan, Australia, Switzerland, Norway...), the future treaty must not be "prescriptive" (only vague provisions and no human rights obligations for TNCs), but must be "consistent with voluntary codes of conduct" (the UN Guiding Principles and

those of the OECD in particular) and should apply to all types of enterprises (including SMEs). Moreover, according to these States, the term 'business enterprises' or that of 'business activities' should replace the term TNC. In other words, for States that define themselves as "liberal democracies" and "human rights defenders", there is no question of taking effective measures against TNCs

that would impede these entities in their business affairs and their search for maximum profit. It should be noted that, according to many Western States, TNCs cannot violate human rights, but only "abuse" them by "omission" or, at most, their activities could have an "adverse impact on human rights"².

With subtle differences, some Latin American States (Brazil and Mexico in particular) have also supported this position.

This indecent offensive on the part of the presidency and its allies, now openly displayed (Western states and TNC lobbies in particular), did not go unanswered. In its Joint statement, the African Group, representing (with one vote) all 54 African countries,

¹ The Global Campaign to Claim People's Sovereignty, Dismantle the Power of Transnational Corporations and Put an End to their Impunity. It brings together more than 200 members, representing victims, affected communities and social movements around the world.

² See the Presidency's proposals on Art. 1 (definitions) among others, "Suggested Chair proposals for select articles of the LBI (6 October 2022)", Chair-Rapporteur: Emilio Rafael Izquierdo Miño, A/HRC/WG.16/8/CRP.1, 24 October 2022, www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/wgtranscorp/session8/2022-10-27/a-hrc-wg16-8-crp1.pdf

denounced these manoeuvres from day one, while demanding compliance with the mandate of the working group during negotiations. Many Asian states (China, India, Indonesia, Iran, Pakistan, Palestine, Philippines...) and Latin America (Bolivia, Colombia, Cuba, Venezuela,...) made the same point.

The Global Campaign was not to be outdone. Throughout the week, its representatives vigorously denounced the manoeuvres aimed at diluting the content of the future treaty and diverting the Working Group from its mandate, while making constructive amendments to improve the content of the 3rd revised version of the draft treaty under discussion.

These amendments related, among other things, to the joint and collective liability of TNC parent companies with their value chains on civil, criminal and administrative issues; access to justice for affected communities and individuals; the question of the competence of the jurisdiction

of the courts (home State, host State); the need to establish direct obligations for TNCs, distinct from those of States; and an international mechanism for effective and efficient implementation.

We also raised concerns in issue 64 of our bulletin about the methodology adopted by the Working Group with regard to the automatic recording of all State amendments in the draft treaty. Although this methodology appears to be more democratic and more transparent, it turns out that the amendments proposed by some (States in favour of a binding treaty) and the others (States against a binding treaty) are totally contradictory and irreconcilable. Amendments that run counter to the mandate must be excluded, otherwise this process risks getting bogged down.

Does this mean, then, that we should witness yet another failure of the UN to regulate the activities of TNCs ? Although for the moment, the balance of power seems to be unfavourable to this

important process, there is no question of giving up. To abandon this work now, would mean neglecting affected communities and victims of TNCs. It would also mean accepting the status quo, namely: the primacy of private interests over human rights; more privatization of public services; large-scale pursuit of environmental destruction; the virtual enslavement of millions of workers around the world... Finally, to abandon this approach would be to leave stranded African, Asian and Latin American states committed to the struggle for a binding treaty on TNCs.

Therefore, civil society organizations, in particular social movements and citizens, must mobilize to demand that their governments and their public authorities submit TNCs – entities that are beyond democratic and legal control – to the law. This is a crucial step to regulate the disproportionate power of TNCs and force them to respect the rights of peoples to decide their future.



HUMAN RIGHTS

CETIM'S STATEMENTS AT THE UN DURING THE 51ST SESSION OF THE HUMAN RIGHTS COUNCIL (SEPTEMBER-OCTOBER 2022)

HUMAN RIGHTS VIOLATIONS IN RURAL AREAS IN MADAGASCAR

The human rights situation in Madagascar remains very worrying: from corruption, looting of public property and natural resources, arbitrary detention, trafficking in persons, extrajudicial executions, violations of peasant rights and appropriation of lands, the fundamental rights of Malagasy citizens are constantly flouted. In this statement to the Human Rights Council, CETIM urged the Malagasy government to put a stop to these violations and to implement a fair and just land policy that benefits the family peasantry.

Furthermore, on the side lines of this session of the Human Rights Council, CETIM and its Malagasy partners have referred to certain UN human rights protection mechanisms, in order to request the abolition of a new land law that breaches the human rights of rural populations, serving the interests of the agri-food sector at the expense of the smallholder peasantry. Meanwhile, this law was effectively abolished due to pressure from the peasants and civil society organizations.

Read the written declaration submitted to the Human Rights Council here: www.cetim.ch/wp-content/uploads/Statement_CETIM_Madagascar_09.2022.pdf

THE "BOAT OF DEATH" TRANSPORTING TOXIC WASTES

CETIM and its partners have drawn the attention of the Human Rights Council to the dismantling of the NAe São Paulo vessel, which transported toxic wastes, that travelled from Brazil to the Aliaga shipyard in Turkey. The dismantling of vessels in Izmir-Aliaga is an environmental threat due to the asbestos and toxic waste that they contain. It also involves dangerous work in the shipyards, which violates the human rights of the workers undertaking the work.

Thanks to the mobilisation of organisations, trade unions and social movements in Turkey and Brazil, the Turkish government was forced to take a step back, by blocking the vessel's entry into the port of Izmir.

In its statement at the plenary of the Human Rights Council, CETIM called on the UN Special Rapporteur on this issue to closely follow this case and other similar cases in order to ensure that workers' rights to health, to work, and to a safe environment are upheld for all workers in the sector.

Read the statement here: www.cetim.ch/wp-content/uploads/Dec-o-CETIM_SR_HazardousSubstWastes_ENG-2.pdf



DRAFTING A CONVENTION ON THE RIGHT TO DEVELOPMENT

In relation to the report from the Intergovernmental Working Group responsible for negotiating a draft Convention on the right to development, CETIM recalled that the future Convention should, as a priority, contribute to the establishment of a fair and democratic international order, as well as fostering effective international cooperation with the goal of improving social well-being for all people and the equal division of wealth, as well as the full enjoyment of all human rights.

The negotiations on the Convention are progressing in huge leaps. This is good news, because once it is adopted, this instrument will be a legal and political tool that will benefit all peoples, communities and social movements that are fighting for social and climate justice.

Read the oral statement here: www.cetim.ch/wp-content/uploads/Dec-o-CETIM_IGWG_DD_ENG.pdf

More information on the theme of the right to development on our website: www.cetim.ch/right-to-development/

MONETARY ISSUES AND THE RIGHT TO DEVELOPMENT

Monetary issues are closely related to the right to development. In fact, state's control over its currency and financial mechanisms, on behalf of the population, has a crucial impact on national development programmes and policies. This also affects the right of the people to decide their future. And consequently, it also has an impact on the enjoyment of all human rights. CETIM presented a written statement and delivered a speech within the framework of this session of the Human Rights Council, in which it discussed the link between money and the right to development in more detail.

Read the written statement here: www.cetim.ch/wp-content/uploads/Statement_CETIM_Money_R2D_09.2022.pdf

Read the oral statement here: www.cetim.ch/wp-content/uploads/Dec-o-CETIM_MecanismExperts_DD_EN.pdf

On the same topic, an article entitled "Pour une monnaie au service des peuples" (For money that benefits the people) by Rémy Herrera, an economist at CNRS, and a regular contributor to CETIM, has been published on the website of the Rosa Luxembourg Foundation. Read the article here: <https://rosalux-geneva.org/fr/pour-une-monnaie-au-service-des-peuples>

PUBLICATIONS

COVID-19 : **UNE PANDÉMIE RÉVÉLATRICE D'UN MALDÉVELOPPEMENT GÉNÉRALISÉ**

By Murad Akincilar

The book *Covid-19 : Une pandémie révélatrice d'un maldéveloppement généralisé* 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 and topical question: 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

PubliCETIM

ISBN: 978-2-88053-144-7

Available in bookshops March 2023

Pre-order the book *Covid-19 : Une pandémie révélatrice d'un maldéveloppement généralisé* by sending an email to: contact@cetim.ch

LENDEMAINS SOLIDAIRES NO. 3

The right to healthcare in the wake of the crisis

Since sabotaging the implementation of the principles of the 1978 Alma Ata declaration and despite the deterioration of the social aspects of healthcare, the neoliberal biomedical model continues to dominate. It concentrates resources on funding private healthcare facilities and on lucrative medical research as well as on medical techniques and technologies instead of bolstering fair and equal public healthcare systems.

Compared to the scarce resources allotted to help public healthcare systems avoid future healthcare crises, the pharmaceutical giants benefit from significant public funds, generating high profits without being held to account.

In addition to shedding light on the healthcare crisis, the third issue of the digital magazine *Lendemain Solidaires* (only available in French) will present new types of organisations created through social movements to reclaim the right to healthcare.

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Many thanks in advance, and we wish you a very Merry Christmas and a Happy New Year!

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