

# Bulletin No. 68

December 2023



**Europe - Third World Centre**  
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Centro Europa - Tercer Mundo

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

## EDITORIAL

During the 2nd half of the year, we recorded progress, which we could describe as historic, concerning three issues on which the CETIM has been involved for a long time and which are extremely important for popular and citizen struggles.

First, the Human Rights Council established, with broad support, a follow-up mechanism to the UN Declaration on the Rights of Peasants. This important tool for the implementation of these rights not only keeps this issue on the international agenda, but above all it will make it possible to develop public policies to help communities protect and support family peasantry.

Secondly, this same Council adopted a resolution by consensus on economic, social and cultural rights to reaffirm that there is no hierarchy between the different categories of human rights, while calling on States to take concrete measures towards the effective implementation of these rights. It also urges international institutions to do their part in this task.

Third, the same Council transmitted to the UN General Assembly a draft Covenant on the right to development. Based on the self-determination of peoples and sovereignty over their resources, this Pact also aims to establish a democratic and

equitable international order. However, a vote on this Pact is to be expected, given that Western states are firmly opposed to it while the vast majority of Southern countries are in favour of it. We must hope that certain Latin American states, which remain behind on this issue, will review their position in the interest of their citizens.

In a tense international environment, with multiple wars and conflicts, this progress is promising for the future. However, all this may seem insignificant given the inertia, even complicity, of most Western powers in the face of the incessant and indiscriminate bombing of Gaza by the Israeli army, which continues as we finalize this bulletin, and which announces the worst possible outcome: the physical elimination and/or expulsion from its territory of part of the Palestinian people in full view of the entire world.

Nowadays, geopolitical considerations seem to take precedence over all other considerations but they should not take precedence over democracy, human rights and living together. It should be said loud and clear that the States that follow this path have completely lost their way. They will be held to account when history is written.

## RIGHT TO DEVELOPMENT

### DRAFT PACT AT THE UN GENERAL ASSEMBLY

After its 54th session (October 2023), The Human Rights Council decided<sup>1</sup>, with 29 votes in favour<sup>2</sup>, 13 against<sup>3</sup> and 5 abstentions<sup>4</sup>, to submit the Pact on the Right to Development to the General Assembly of the UN “for examination, negotiation then adoption”. Initiated in 2019 by the Non-Aligned Movement (comprising more than 120 Southern Countries), with the backing of China, and drafted by the Ad-Hoc Intergovernmental Working Group of this body, the objective of this Pact is the effective implementation of this right around the world<sup>5</sup>.

While reaffirming the content of the Declaration on the Right to Development (1986), this draft Pact highlights in particular the right of peoples to self-determination (Art.5), the obligation of States to cooperate among themselves for the full realisation of the aforementioned right, while tackling among others, “the problem of

foreign debt in heavily indebted poor countries” (Art. 13), and achieving and maintaining peace and international security, aiming for general disarmament (Art. 23). It is true that if these aspects are not effective, it is an illusion to talk about implementing a right to development that is worthy of its name.

The draft Pact, however, prohibits all inter-state coercive measures (economic or political), for the purpose of obtaining benefits, which compromised the sovereignty of the State concerned (Art. 14) and provides for special or corrective measures for countries in need (Art. 15). Autochthonous peoples (Art.17) and peasants (Art. 18) aren’t being forgotten, nor are efforts to prevent and combat corruption (Art. 19). It provides for the creation of a Conference of States Parties (Art. 26) and a compliance mechanism (Art. 28), made up of independent experts, for monitoring its implementation in a way that is “non-accusatory and non-punitive”.

Certain Latin American states abstained, arguing that the draft wasn’t “mature” although it has been debated for five years, not to mention the discussions conducted within the Inter-governmental Working Group, since it was established (1998) on the effective implementation of this right. Others, for example Mexico, expressed their “reservations” about adopting such a binding instrument on this topic, aligning de facto with the



1 Cf. Resolution A/HRC/RES/54/18, adopted on the 12th October 2023.

2 Algeria, Bangladesh, Benin, Bolivia, Cameroon, China, Ivory Coast, Cuba, United Arab Emirates, Eritrea, Gabon, Gambia, Honduras, India, Kazakhstan, Kyrgyzstan, Malaysia, Malawi, Maldives, Morocco, Nepal, South Africa, Uzbekistan, Pakistan, Qatar, Senegal, Somalia, Sudan and Vietnam.

3 Belgium, Czechia, Finland, France, Germany, Georgia, Lithuania, Luxembourg, Montenegro, Romania, United Kingdom, Ukraine and the United States.

4 Argentina, Chile, Costa Rica, Mexico and Paraguay.

5 Cf. A/HRC/RES/50, July 18, 2023.

western stance. It is worth noting that Brazil, which holds similar views, seems to have changed its stance this year, given that it is now supporting the adoption of the aforementioned Pact, joining countries such as Bolivia, Cuba, and Venezuela which have been committed since the beginning, in favour of this procedure.

When it comes to the western camp and its close allies, they have clearly opposed the adoption of such an instrument, putting forward the same misleading arguments that they have been using for several years. Among these arguments is the fact that the Sustainable Development Goals (SDGs) are broadly sufficient to respond to the concerns expressed. They omit to add that these are merely goals and do not challenge the current trade and economic policies that are the cause of growing inequalities (See CETIM Bulletin No. 59, June 2019). Furthermore, as the UN Secretary General recently recognised, these goals will not be achieved, which confirms our analysis that without a structural change of the unfair international order, these SDGs are destined to be worth little more than the paper they are written on.

This camp talks itself up as being the champions of the world in “aiding development”, leaving out this is determined by the beneficiaries. Aside from this, it’s worth remembering that the right to development has nothing to do with development “aid”. In fact, this right is not limited to the economic aspect, it also includes political, cultural and social development. Individuals and people are both the subject of this right and the central actors in creating policies and programmes for its realisation. The right to self-determination and people’s right to sovereignty over their resources and their future is at the heart of the right to development.

The United States and the United Kingdom went even further, arguing the existence of the right to development and collective rights contained in the draft Pact, to justify their no vote. These are also misleading arguments. In fact, on the one hand, these countries came to a consensus on the right to development in 1993, during the 2nd global conference on human rights, and on the other hand, the UN bodies have recognised and reaffirmed several times that there are two dimensions to human rights: individual and collective.

Furthermore, how can rights such as the right to self-determination, to association, or cultural rights be enjoyed while ignoring their collective aspect?

It is clear that it is not possible to satisfy every State in the multi-lateral framework of the UN. The goal in this type of commitment is to find the largest common denominator, above the partisan stances of any one State, so that the public bodies can implement it on a national and international scale. We have to ask ourselves, aren’t all these “arguments” just aiming to maintain the established order to serve the minority...

Fighting for more than twenty years for the effective implementation of the right to development, in September 2022, the CETIM launched a cooperation and convergence plan with a series of social movements for the promotion of the right to self-determined and decolonised development. Aside from its undertakings at UN institutions dedicated to this file, we are participating in national and international meetings, and also organising conferences, seminars or workshops with social movements and other global organisations to educate people and disseminate this right.







## PEASANTS' RIGHTS

### HISTORY: A UN MONITORING MECHANISM FOR PEASANTS' RIGHTS

**With massive state support, the United Nations Human Rights Council created an international monitoring mechanism last October on the rights of peasants, opening a promising new chapter in their implementation. The creation of this mechanism constitutes a crucial step in the process of implementing the UN Declaration on the Rights of Peasants and Other People Working in Rural Areas (the Declaration), adopted by the UN General Assembly in 2018.**

Starting next spring, a group of five independent experts will be responsible for promoting and implementing the Declaration. It will play a critical role in identifying and promoting best practices and lessons learned, while fostering collaboration and capacity building in pursuit of these goals.

After many years, the holders of the rights contained in the Declaration and their allies finally have an international space for dialogue and political advocacy. The creation of this international monitoring mechanism on the Declaration demonstrates the growing interest in family farming, food production, the preservation of biodiversity and that of the environment at the global level.

It also represents the awareness of the overwhelming majority of States of the need to reform the dominant food system, aiming to change this destructive model, focused on profit, and to promote systems centered on the human being as much as possible in harmony with its environment.

The Declaration constitutes an instrument which, if implemented across the world, will lay the foundations on which to build better public policies for food sovereignty, agroecology, climate justice and agrarian reform, as well as in terms of protection against the criminalization of peasant struggles.

The ultimate goal is to build socially just societies, focusing on the well-being and dignity of all, primarily those living in rural areas.

#### SWITZERLAND DRAGGING ITS FEET

Although Switzerland played an important role in supporting the development and subsequent adoption of the Declaration, its commitment to its implementation leaves something to be desired. This is why the “Les Ami-e-s de la Déclaration – Suisse” coalition looked into the measures that the Swiss Confederation should take to support the implementation of the Declaration in Switzerland and abroad.

To this end, it prepared a report on national policy<sup>1</sup> and another on foreign policy<sup>2</sup> urging the Federal Council to work with peasant organizations and their allies on the concrete implementation of the Declaration both at national and international level.

See the press release of CETIM, LVC and FIAN [www.cetim.ch/victory-un-human-rights-council-adopts-resolution-to-advance-peasants-rights-worldwide](http://www.cetim.ch/victory-un-human-rights-council-adopts-resolution-to-advance-peasants-rights-worldwide)

See also the position paper of “Les Ami-e-s de la Déclaration – Suisse” on the process of promoting and implementing the Declaration in Switzerland (in French), [www.cetim.ch/wp-content/uploads/Comm-presse\\_EPU-Suisse\\_FOD-aout2023.pdf](http://www.cetim.ch/wp-content/uploads/Comm-presse_EPU-Suisse_FOD-aout2023.pdf)

<sup>1</sup> UPR-2023-Switzerland-FOD-UNDROP-in-CH-National-Policy-21.9.2022.pdf

<sup>2</sup> UPR-2023-Switzerland-FOD-UNDROP-in-CH-Foreign-Policy-21.9.2022.pdf

## TRANSNATIONAL CORPORATIONS

## BINDING TREATY ON TNCs: THREATS TO THE PROCESS

The 9th session of the Intergovernmental Working Group charged with developing a legally binding international instrument on transnational corporations and other enterprises of a transnational nature, held in Geneva between 23 and October 27, 2023, was once again the scene of manoeuvres on the part of its presidency. Indeed, from the opening of the session, the presidency of the said Group, held by Ecuador, imposed a "cleaned up" version of the draft treaty<sup>1</sup>, which provoked an outcry, mainly from the part of the African Group in corpore, but also of certain Asian and Latin American States.

In the version presented by the presidency, virtually none of the proposals of the Global Campaign<sup>2</sup>, coming from social movements and communities affected by TNCs are taken into account. Worse, this document not only fails to respect the mandate of the Working Group contained in resolution 26/9, but it also arbitrarily excludes amendments from States in favour of a binding treaty on TNCs.

As formulated, the document presented by the presidency would have no impact on the impunity of TNCs and their value chains. Nor would it contribute to the restoration of popular and state sovereignty, undermined by the power of these entities. Basically,

the declared aim of the presidency is to modify the mandate of this Working Group to broaden the scope of the draft treaty to any type of company, whatever its characteristics and even if it has no international activity. However, the Working Group in question was created with the aim of holding accountable TNCs that violate human rights and escape legal and democratic control due to complex legal arrangements. It is also supposed to create an effective mechanism so that victims and communities affected by these entities can obtain justice.

In this sense, a treaty on these entities must clearly establish:

- 1) the obligation of TNCs to comply with international standards in terms of human rights, labour law and environmental protection.
- 2) the joint liability of TNCs with their value chains (subsidiaries, suppliers, licensees, subcontractors, etc.), on civil and criminal grounds, both for legal entities and individuals (managers of TNCs).

- 3) an International Tribunal for the implementation of the said treaty as advocated by the Global Campaign, in order to ensure access to justice for victims and affected communities.

The presidency had the audacity to formally request a modification of the mandate of the Working Group. Thanks to the mobilization of the Global Campaign and the aforementioned States, this maneuver was foiled. That said, continuation of the process is going to be difficult with a presidency that does not respect the agreed mandate and which only listens to Western states and the TNC lobby. For CETIM, a draft treaty that ignores the demands of people, affected communities and social movements would have no legitimacy. This is why it is essential to continue this struggle in line with those principles.



<sup>1</sup> Cf. *Updated draft legal binding instrument (clean version) to regulate, in international human rights law, the activities of transnational corporations and other business enterprises*, July 2023.

<sup>2</sup> The Global Campaign to Reclaim Peoples' Sovereignty, Dismantle Corporate Power and Stop Impunity, an international network of which CETIM is part and which brings together more than 200 members, representatives of victims, affected communities and social movements from around the world.



## HUMAN RIGHTS

### ECONOMIC, SOCIAL AND CULTURAL RIGHTS ARE FINALLY PART OF THE INTERNATIONAL AGENDA

Following the request of the Human Rights Council (HRC), the Office of the United Nations High Commissioner for Human Rights organised a workshop to discuss “practical ways to further enhance and strengthen” the work of this body “in promoting and protecting economic, social and cultural rights within the context of addressing inequalities”<sup>1</sup>.

CETIM participated in this workshop and made several contributions. In our statements\*, we highlighted, among others, the challenges in establishing economic, social and cultural rights (ESCR): foreign debt, structural adjustment programmes, the privatisation of public services, the increase in military spending at the detriment of social spending (public health, education, social housing, etc.).

When the workshop report was presented to the 54th session of the UNHRC<sup>2</sup>, we were surprised by the High Commissioner for Human Rights’ statement which referred to its team’s lack of skill with regards to the ESCR. 75 years after the adoption of the Universal Declaration of Human Rights and 57 years after the International Covenant on Economic, Social and Cultural Rights, we have difficulty believing that the High Commissioner for Human Rights is not equipped with competent personnel. Could their declaration be linked to the fact that the western states voted in unison against the resolution that would allow this workshop to take place? However, these states “made up for lost time” by joining

the consensus<sup>3</sup> on the ESCR resolution presented by China at the end of the 54th session of the HRC<sup>4</sup>.

This landmark resolution commits member states to not prioritise or privilege certain human rights over others, given that “all human rights are universal, indivisible, interrelated and interde-

Rights that all human beings are born free and equal in dignity and rights”. The member states also recognise “the contribution of human rights education and training to the promotion of inclusive and tolerant societies”.

While reminding the High Commissioner of its mandate “to promote and protect the effective enjoyment by all of ESCR rights”, the UNHCR calls on member states to invest “in public health systems, education, social protection, decent work, housing, food, water and sanitation systems, including to respond effectively to global challenges”. It also requests that they “enhance their ongoing efforts” for “the full, equal and effective enjoyment of these rights by persons in marginalised or vulnerable situations”.

CETIM has been committed to the promotion and protection of the ESCR for decades and will closely follow the evolution of this resolution. Our association has just published a book on these rights (see page 8 of this bulletin).

\* You can find all the CETIM statements on our website [www.cetim.ch/statements-at-the-un/](http://www.cetim.ch/statements-at-the-un/).



pendent, and mutually reinforcing and must be treated in a fair and equal manner”. The member states recognise that “inequalities and discrimination affect the enjoyment and realisation of ESCR rights, including the right to development, and are inconsistent with the principles enshrined in the Universal Declaration of Human

1 Cf. Resolution A/HRC/RES/49/19, adopted on 1st April 2022 by 31 votes in favour, 14 against and 2 abstentions.

2 Cf. A/HRC/54/35 28 July 2023.

3 The United States issued a statement expressing its reservations about the resolution.

4 Cf. Resolution A/HRC/RES/54/22, adopted by consensus on 12 October 2023.

## CETIM INTERVENTIONS AT THE UN DURING THE LAST HALF OF 2023

### HUMAN RIGHTS ALERT: MILITARY INTERVENTION IN HAITI

La Via Campesina and CETIM sent a written statement to the Human Rights Council expressing their concerns and demanding that the human rights of the Haitian people be protected following the announcement of a new foreign intervention in this country. On October 2, 2023, the UN Security Council approved the deployment of an international security force to Haiti to, ostensibly, combat gang violence and restore security to the country. Social movements and peasant organizations had already warned that this intervention would only be a pretext to continue to subject Haitians to neo-colonial interests.

You will find this declaration, which was not published by the UN for "technical reasons", on our site [www.cetim.ch/wp-content/uploads/Dec\\_written\\_Haiti\\_ENG.pdf](http://www.cetim.ch/wp-content/uploads/Dec_written_Haiti_ENG.pdf)

### UN: THE MODEL OF WATER PRIVATIZATION IN CHILE ONCE AGAIN CALLED INTO QUESTION

The Movement for the Defense of Access to Water, Land and Environmental Protection (MODATIMA) presented a joint statement with CETIM during the plenary session of the 54th session of the UN Human Rights Council, during an interactive dialogue with the UN Special Rapporteur on the right to drinking water and sanitation, Mr. Pedro Arrojo. In Chile, the industrial sector (active in agro-export, mining and energy) owns most of the water and, as a result, many areas of the country are already deprived of sufficient and adequate access to this vital resource, which strongly threatens the right to water of Chilean rural and urban communities.

Read our press release [www.cetim.ch/un-chiles-privatised-water-model-once-again-called-into-question](http://www.cetim.ch/un-chiles-privatised-water-model-once-again-called-into-question)

Read the declaration (in Spanish) [www.cetim.ch/wp-content/uploads/Dec\\_o\\_agua-Chile.pdf](http://www.cetim.ch/wp-content/uploads/Dec_o_agua-Chile.pdf)



### THE RIGHT TO DEVELOPMENT

In its plenary intervention during the 54th session of the Human Rights Council, the CETIM expressed its concern about the approach of the new Special Rapporteur on the Right to Development. In its annual report, it conflates development, which is necessarily a process, and the right to development which is a human right, as defined in the first article of the relevant Declaration.

Read the declaration here [www.cetim.ch/wp-content/uploads/EN\\_Dec-o-CETIM\\_RS\\_DD.pdf](http://www.cetim.ch/wp-content/uploads/EN_Dec-o-CETIM_RS_DD.pdf)

Read the article by Melik Özden, published (in French) in *La Tribune de Genève* on June 23, 2023 [www.tdg.ch/le-developpement-un-terme-galvaude](http://www.tdg.ch/le-developpement-un-terme-galvaude)



### SANCTIONS AND HUMAN RIGHTS VIOLATIONS IN NIGER

Following the takeover of power in Niger by the military on July 26, 2023, regional institutions and international organizations such as the Economic Community of West African States, the West African Economic and Monetary Union, the African Union, the World Bank and the European Union have begun to impose sanctions against Niger and its people. During the 54th session of the Human Rights Council, CETIM gave the floor to Ms. Fatimatou Hima, member of the Niger Peasant Platform. In her speech, she denounced these economic-financial sanctions which impact the human rights of the entire population of Niger, but above all rural populations.

Read the declaration in French: [www.cetim.ch/wp-content/uploads/Declaration-Niger.pdf](http://www.cetim.ch/wp-content/uploads/Declaration-Niger.pdf)

Read Raffaele Morgantini's article (in French), published in *Le Courrier* on November 12, 2023 <https://lecourrier.ch/2023/11/12/le-niger-sous-sanctions-neocoloniales>



## PUBLICATION

## **ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

### **A LEGAL TOOL IN THE FIGHT FOR SOCIAL JUSTICE**

By Melik Özden

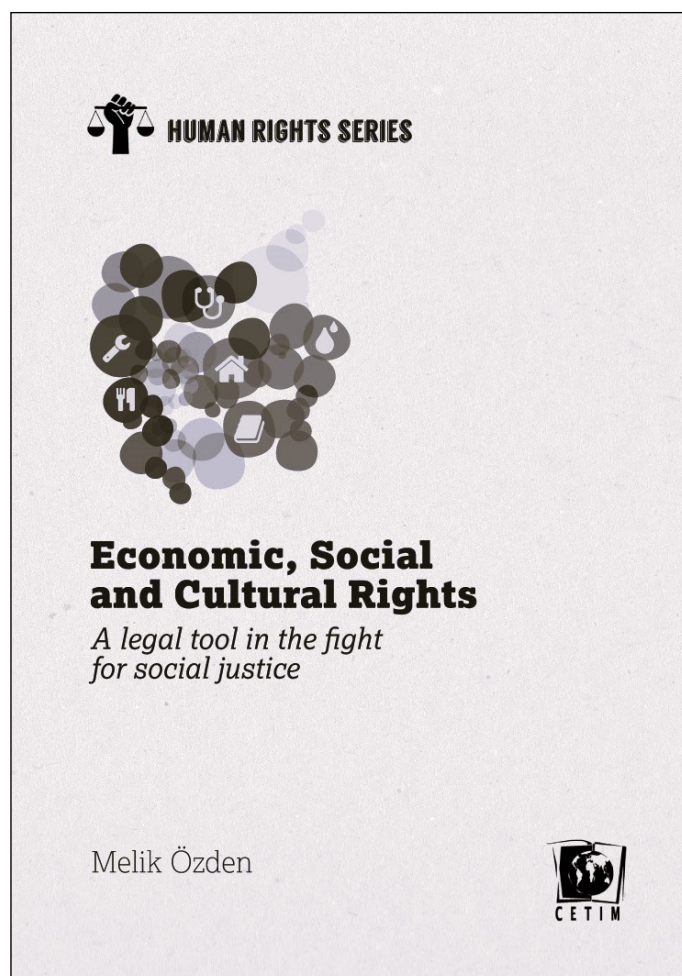
At a time when the multidimensional crisis is plunging billions of people into poverty, when almost half of humanity remains unable to satisfy their own basic needs, when inequality is becoming increasingly entrenched, it is more urgent than ever that economic, social and cultural rights be upheld.

Although economic, social and cultural rights are recognised both nationally and internationally, they are often overlooked by rights-holders and are largely ignored by political authorities under the framework of neoliberal globalisation that serves private interests. However, these fundamental rights are vital for a dignified life.

This book will be initially published in digital format and will be freely accessible on our website. It aims to give a general overview of all economic, social and cultural rights. It analyses the obstacles to the full enjoyment of these rights, recalling the obligations of governments, while also introducing the human rights protection mechanisms that can be invoked by victims (or their representatives). There are a wide range of successful examples, often the result of popular struggles, offering a better understanding of these rights which are still wrongly described by some as non-justiciable or complex.

Pre-order the printed book in English for 25 CHF/euros on our website [www.cetim.ch/product/economic-social-and-cultural-rights-a-legal-tool-in-the-fight-for-social-justice](http://www.cetim.ch/product/economic-social-and-cultural-rights-a-legal-tool-in-the-fight-for-social-justice).

The PDF in English will be available very soon for free download online.



Price: CHF 25 / € 25  
Human rights series

## **CALL FOR DONATIONS**

Like every year, we are appealing to your generosity,  
without which we could not continue our fight for a fairer world.  
As the festive season approaches, thank you for thinking of CETIM.

Donations made from Switzerland are tax deductible.

Any amount, even the smallest, helps us.

**Thank you very much in advance and  
we wish you a Merry Christmas and a Happy New Year!**

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