



## **Center for Human Rights and Environment**

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### **PROGRESS REPORT January - June 2001**

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*CEDHA wishes to especially thank CIEL and the Hewlett Foundation for their continued support*

## Note

The following is a progress report for CEDHA detailing latest local and international activities, new programs, human and financial resources, and future strategies. The report covers the period January 2001 – June 2001.

## Foreword

Since our last progress report (December 2000), CEDHA has two new programs, numerous local and international activities and achievements, and has undergone some institutional structural changes.

The various changes we report are programmatic revisions allowing us to more effectively, more precisely and more systematically address our operations. CEDHA, hitherto has focused primarily on *awareness building*, *capacity strengthening*, and *advocacy tool development*. The first year plus of operations CEDHA undertook numerous activities in efforts to advance with these objectives. All of these activities were brought under a single programmatic focus. As activities became more numerous and thematic coverage more broad, the need for a programmatic subdivision became apparent. CEDHA incorporated two new programs, the **Responsible Business Program** and the **Sustainable Trade Program**. We have also fine tuned our overall objectives and defined the specific objectives of each of the three programs.

We are pleased to announce that Daniel Taillant has taken over the Executive Directorship of CEDHA, while Romina Picolotti is now the Access to Justice Program Director.

## I. Statement of Purpose

**CEDHA GOAL** is to protect the environment and defend human rights through the development and promotion of the links between the environment and human rights at the local and international level.

### Triangle of Sustainable Development

CEDHA believes environmentally and socially sustainable development can be reached through the coordination of efforts between three actors, *the state*, *civil society* (i.e. non-state and non business sector), and the *private sector* (i.e. business sector). The state provides the formal framework ordering society. Depending on the effectiveness of this framework, it can work to improve or deteriorate levels of sustainability. The private sector (or business sector) has very high levels of social and environmental impact and can be a destabilizing factor or a proponent of sustainable production and growth. Finally civil society also has a multiple faceted role, as both victim of unsustainable development, or

a guiding hand towards more sustainable development. The interaction of these three actors, and the end balance of each with respect to their contribution to or detraction from sustainable development, will determine society's level of sustainability. CEDHA hence, through its programs, works with each of these actors to improve their contribution to the sustainability triangle.

## **II. CEDHA's Overall Goals**

CEDHA's goals are to develop and strengthen:

- **the awareness** of the linkages between the environment and human rights;
- **the capacity** of state, civil society and private sector actors, to work towards more environmentally and socially sustainable development.

## **III. Program Goals**

### **1. Access to Justice**

CEDHA's Access to Justice Program's (AJP) goal is to provide access to justice in cases of environmental degradation with related human rights abuses.

### **2. Responsible Business**

CEDHA's Responsible Business Program fosters socially responsible corporate behavior in Latin America.

### **3. Sustainable Trade**

CEDHA's Sustainable Trade Program strives to make trade regimes more environmentally and socially sustainable (particularly Mercosur, FTAA, WTO).

## **IV. Access to Justice Program**

CEDHA's Access to Justice Program's (AJP) provides access to justice in cases of environmental degradation with related human rights abuses.

On many issues, Access to Justice overlaps with the other CEDHA programs, such as the collaboration on the UN's human rights compliance guidelines (Responsible Business Program); CEDHA's collaboration in the preparation of the Global Reporting Initiative's Human Rights and Environmental Indicators work (Responsible Business Program); or Amicus Brief Presentation Capacity Building before the WTO on Human Rights and Environment (Sustainable Trade Program).

We should mention that the Center for International Environmental Law continues to be a crucial supporter and partner of CEDHA's programmatic activities, especially its AJP.

Specifically the AJP works at a hemispheric level on:

**legislation building**, working to introduce and improve international, regional and local legislation to protect against environmental degradation and related human rights abuses;

**jurisprudence setting**, promoting the links between human rights and the environment in international and local jurisprudence;

**capacity building**, training legal actors, including judges and attorneys, NGO leaders, and other civil society leaders on the use of local and international law in the defense of the environment and related human rights;

**law enforcement**, promoting local and international environmental and human rights law enforcement;

**environment and human rights promotion**, building government and civil society awareness on links between the environment and human rights; and,

**environment and human rights protection**, working to strengthen international and local legal framework on the overlaps between environment and human rights.

Recent AJP activities include:

- *Inter-American Legislation on ENV and HR*. CEDHA led an effort at the Organization of American States resulting in the approval of a resolution declaring the members states' interest in exploring the relationship between ENV and HR. This is not only the first step towards hemispheric legislation on the matter, but also constitutes an excellent opportunity to educate the member states of the hemisphere on the links between environment and human rights (irrespective of the future legislation).
- *Workshop on Access to Justice on cases of Environmental Degradation and Human Rights Abuses*. CEDHA co-hosted, with the collaboration of FARN and Poder Ciudadano, a local workshop (May 2001) for legal and non-legal civil society groups on local and international legal tools available to defend against human rights in cases involving environmental degradation.
- *United Nations Human Rights Guidelines for Companies*. CEDHA collaborated advising on the definitive draft for the United Nations Guidelines for Companies.
- *Compilation of jurisprudence* in Latin American courts where international environmental law and human rights law has been used. (forthcoming)
- *Strategy for Implementation of the Additional Protocol of San Salvador on Economic, Social and Cultural Rights*. CEDHA is currently preparing this Strategic Research Paper which will be presented to the OAS.

- *Environmental Racism and Discrimination Initiative.* CEDHA led a successful effort to draft and insert four articles on Environmental Discrimination in the declaration proclaimed by civil society and two articles in the State Declaration at the *United Nations regional preparatory conference Against Racism, Xenophobia, Intolerance and Discrimination* in Chile. This inclusion was the first time reference to environmental discrimination appeared on UN documents leading up to the world conference in South Africa later this year. The Santiago work has been taken up by the UN as a model and now the concept of environmental discrimination is on the agenda for the world conference. Paper and declaration available: <http://www.cedha.org.ar>
- *Masters Course on Linking Human Rights and Environment.* In collaboration with the Center for International Environmental Law (CIEL) and the American University, CEDHA's Access to Justice Program Director, Romina Picolotti, co-taught the course for the second time in June 2001 with CIEL's President Durwood Zaelke. Materials available: <http://www.cedha.org.ar/course.htm>
- *Environmental Advocacy in the Inter-American Human Rights System (Manual).* Completed in 2000, CEDHA is preparing an updated and a Spanish version of this manual for environmentalists to work with the Inter-American Human Rights System.
- *Publication on Environment and Human Rights.* CEDHA is editor of a publication bringing together works of worldwide experts on the areas of overlap between human rights and environment. The book will be published later this year at Arizona Press.
- *Rights Way to Development.* Collaborating with the Human Rights Council of Australia on Spanish publication on human rights and development.
- Chapter of Publication on Environment and Human Rights. CEDHA is author of the Chapter on Human Rights and Environment, of the new addition of *International Environmental Law and Policy* (Foundation Press).
- Hearing *Wichis vs. Argentina.* Following the presentation of the Amicus Brief in the *Wichi vs. Argentina* case arguing links between environmental degradation caused by a transnational road project, and subsequent human rights violations of the Wichi and other indigenous communities (see previous progress report), CEDHA presented its findings at an ad hoc hearing of the Inter-American Commission on Human Rights. The Commission, in an unusual move, pressed the Argentine government to halt works and move towards a resolution with the Wichi community.
- Legal advisory services locally and internationally in environmental degradation cases with human rights abuses.
- Legal advisory services in local draft legislation.

## **V. Responsible Business Program (RBP)**

CEDHA's Responsible Business Program fosters socially responsible corporate behavior in Latin America (specifically in Córdoba Argentina).

The RBP is one of CEDHA's two new programs. The program focusses on contributing to international (ENV and HR) codes of ethics and guidelines for corporations, establishing local and international contacts and gathering information on national and international corporate ethics norms and codes.

The RBP comes into existing following a series of CEDHA activities related to business, environment and human rights. Following the growth of demand for work in the area of Corporate Social Responsibility (CSR), CEDHA chose to devote a more substantial part of its work program to CSR, establishing the RBP.

### **Specific Objectives of the RBP**

1. Strive to improve national, regional, and international awareness on corporate social responsibility in Latin America and how to achieve it.
2. Facilitate and support actions by local businesses towards exercising corporate social responsibility.
3. Disseminate experiences and design comprehensible tools for local businesses to exercise corporate social responsibility and take on transformations towards more socially and environmentally sustainable production.

Activities in the RBP include:

- Collaboration in a study by the International Council on Human Rights Policy on Human Rights Accountability of Private Business; available: [www.cedha.org.ar/docs/doc22.htm](http://www.cedha.org.ar/docs/doc22.htm)
- collaborated with the United Nations on its Draft Human Rights Guidelines for Companies
- Participation by invitation in a Wilton Park Conferences workshop on CSR and Human Rights, held in April in Montreux, Switzerland.
- Collaboration with the Global Reporting Initiative (GRI) on its human rights and environmental indicators system for businesses and on its Spanish Version of its guidelines.
- Establishment of a partnership with the Catholic University of Córdoba, working on CSR issues with local business.

### **VI. Sustainable Trade Program**

CEDHA's Sustainable Trade Program (STP) strives to make trade regimes more environmentally and socially sustainable.

The STP is inspired by the myriad of new debate and negotiations on trade in the hemisphere and around the world. CEDHA's first involvement on trade and sustainable development-related issues was born as a reaction to the recently

signed Mercosur Environmental Accord. This agreement, negotiated over nearly five years of frustrated meetings, fails to provide the regional trade block with an effective and binding environmental framework. Further, the implication of the FTAA and its environmental and human rights impacts sets the stage for much-needed civil society participation and strengthening on trade issues. The STP works with regional common markets and trade regimes like the WTO to advance ENV and HR issues in the trade relations.

Specifically, in the STP:

1. CEDHA strives to deepen the understanding of the links that exist between trade, environment and human rights, with a particular focus on Mercosur, NAFTA, FTAA, and the WTO.
2. CEDHA aims to strengthen local civil society capacity and knowledge with respect to trade, environment and human rights, fostering increased civil society inter-communication and collaboration, strategy building on sustainable trade advocacy, and on participation and access to regional trade negotiations.
3. CEDHA works to improve and facilitate access to justice in cases involving environmental degradation and/or human rights abuses caused by international trade.

Activities of the STP include:

- Quebec meeting of Presidents on FTAA (April 2001)
- WWF Workshop in Quebec on Sustainability Assessments (April 2001)
- Attend several meetings with government and civil society on Mercosur and FTAA.
- Partnered with CIEL on its WTO access to justice work to prepare submissions of amicus briefs to the WTO in cases of environmental degradation and human rights abuses resulting from trade.
- Workshop participant on WTO and Human Rights (July 2001)
- Launched sustainability research on Argentine Soybean Sector
- Preparing a Regional NGO-Experts Team to Prepare Amicus Briefs at WTO

## **VII. Pro-Bono Support**

CEDHA receives a substantial amount of volunteer time offered to its programmatic activities

CEDHA's AJP currently has 3 volunteers to work on a variety of legal advocacy projects. The RPB currently has 5 university interns (from the Catholic University of Córdoba) working on tool development, and will receive 2 additional US

interns in August to work on program design. The STP has 6 volunteers worldwide (Washington, DC; London; Buenos Aires) working on its various STP activities.

### **VIII. Budget and Operating Expenses.**

Most of CEDHA's activities have been funded on a demand-by-project basis, with overhead and additional office expenses coming from a percentage of funds received.

The projected 2001 CEDHA budget destines 71% for salaries, 19% for travel (local and international), and 10% for general office expenses/utilities.

Funding comes primarily from the Hewlett Foundation and from contracted activities (CIEL, UN, ICHRP, GRI, WWF, Wilton Park).

### **IX. Budget Financing and Fund-Raising Activities**

At the close of 2000, CEDHA received a grant from the Hewlett Foundation, which covers an important portion of year 2001 expenses, hitherto, largely financed through pro-bono and contract work.

With two new programs in launching, CEDHA has had an active fund raising drive this semester, with several outstanding financing applications. Assuming CEDHA is able to finance each of the three programs, the Hewlett grant is projected as general support financing for supervision and management of general operations.

### **X. Conclusion and Future Program and Strategy**

CEDHA is pleased to conclude that it is meeting and exceeding its intended goals. The large and diverse demand for CEDHA's services in various thematic foci drove CEDHA to reassess its institutional design and launch two new programs, Sustainable Trade and Responsible Business, in addition to its ongoing Access to Justice Program. One of the more significant highlights was the recent passage of the CEDHA-led resolution on Environment and Human Rights at the OAS. This is a major step for hemispheric policy on ENV and HR.

CEDHA has also launched local activities following a cautious and reflective period to determine local needs. The workshop held in May 2001 on Citizen Instruments to Defend the Environment (in collaboration with FARN and Poder Ciudadano) was very well received with strong demand for follow-up training.

CEDHA's RBP and STP are already receiving strong demand and interest from other NGOs and government institutions. Several volunteer have offered these programs their services to help launch important program initiatives and activities.

CEDHA wishes to especially thank these volunteers, the Hewlett Foundation and the Center for International Environmental Law for their continued trust and support.