



Center for Human Rights and the Environment

This we know: the earth does not belong to man: man belongs to the earth... All things are connected like the blood which unites one family...Whatever befalls the earth, befalls the sons of the earth. Man did not weave the web of life: he is merely a strand in it. Whatever he does to the web he does to himself.¹

**PROGRESS REPORT
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DRAFT

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¹ Letter from the Chief Seattle, patriarch of the Duwamish and Squamish Indians of Puget Sound, to U.S. President Franklin Pierce in 1855. *Reprinted* in the *Illustrated Weekly of India* 16 (May 20, 1984). See J.L. Clark, "Thus spoke Chief Seattle: The Story of an Undocumented Speech", 17 Prologue: The Journal of the National Archives 58 (Spring 1985)

I. Foreword

The following is a progress report for CEDHA detailing objectives, local and international activities, human and financial resources, and future strategies covering the period end-1999-2000.

II. CEDHA Objectives

The Center for Human Rights and Environment (CEDHA) opened its doors in October 1999, in Córdoba Argentina. CEDHA's programmatic objectives are *to develop and strengthen:*

1. *the Awareness of the linkages between the environment and human rights, further advancing environmental and human rights legislation at the local and international levels.*
2. *the Capacity and ability of judges, attorneys, advocates, and other actors to address the local and international defense and promotion of the environment and human rights through the linkages between these two areas of law.*
3. *Resources that provide tools to successfully defend and promote environment and human rights at the local, national, regional, and international levels.*

III. Advances in first year towards meeting CEDHA's objectives

In its first 15 months of operations, CEDHA has successfully established itself as a local and international actor in the fields of environment and human rights, fostering the linkages between these two fields. CEDHA has influenced international policy, helped set important jurisprudence, produced numerous publications, and contributed to draft international law, all fostering an environmental and human rights rapprochement. CEDHA has secured a significant base-operating budget to address its work program, generate activities, and meet its short-term institutional objectives.

On the local front CEDHA has met and worked with numerous authorities, NGOs, and advocates of human rights and environment, and in the short time since its launching, is already a recognized environmental and human rights institution in Argentina, receiving numerous invitations to advise legislators, assist local government, or actively participate in community meetings and workshops on environment and on human rights.

Internationally, CEDHA has had a strong international demand for its services. In two landmark cases, successfully influencing international jurisprudence of environmental issues in international human rights tribunals. CEDHA designed university teaching materials and taught a masters level course introducing the overlaps of human rights and environment. CEDHA has collaborated in numerous international research projects linking environment and human rights. CEDHA has also participated in local and international training of civil society actors, indigenous leaders, and NGOs on human rights an environmental advocacy channels, in Washington, DC, Argentina, Greenland, and Paraguay. CEDHA successfully led a group of international NGOs to introduce the

concept of Environmental Racism in the UN Regional Conference on Racism and Discrimination. CEDHA is also drafting an International Declaration on Human Rights and Environment, to be presented to the Inter-American System for adoption.

Specific Programmatic Advances relevant to Objectives:

a) *Advocacy and Awareness Promotion*

- **Environmental Racism and Discrimination Program.** In efforts to raise awareness and take steps to address environmental racism and discrimination, CEDHA led a successful effort to insert four articles on Environmental Racism/Discrimination in the declaration proclaimed by civil society at the *United Nations PREPCON Against Racism, Xenophobia, Intolerance and Discrimination* in Chile. Paper and declaration available: <http://www.cedha.org.ar>
- **Conflict Resolution Study.** (*In progress*) CEDHA is conducting a study on the creation and implementation of the conflict resolution mechanism designed and used in the Yacyretá Dam project.
- **Comparative Analysis (country studies) of legal obstacles to litigate against corporations for human rights abuses.** CEDHA presented a paper on the case of Argentina. Commissioned by the *International Council on Human Rights Policy (Geneva)*. Paper available: <http://www.cedha.org.ar/doc23.htm>.
- **Corporations, Human Rights, and Environment.** CEDHA participated as an essayist and panelist on "human rights accountability of private business: a question of sustainable development". Commissioned by the *International Council on Human Rights Policy (Geneva)*. Paper available: <http://www.cedha.org.ar/doc22.htm>
- **Curriculum Development: Environment and Human Rights.** In collaboration with the Center for International Environmental Law (CIEL), CEDHA designed a graduate course on the linkages between environment and human rights, piloted by the international law MA program at American University and the Netherlands Institute of Human Rights (SIM). CEDHA's Executive Director, Romina Picolotti, co-taught the course with CIEL's President Durwood Zaelke. Students included judges, public servants, personnel from the Inter-American Commission on Human Rights, NGO leaders, and health sector representatives from the USA. Requests for the training materials have come from numerous universities worldwide. Materials available: <http://www.cedha.org.ar/course.htm>
- **Environmental Advocacy in the Inter-American Human Rights System.** (*In progress*) In Collaboration with CIEL, CEDHA is producing a manual for environmentalists to bring cases to the the Inter-American Human Rights System.
- **NASA Project: Satellite Imagery, Environment and Human Rights.** CEDHA collaborated in a NASA-sponsored project, researching and developing methods to use satellite imagery data in the promotion and protection of human rights and environment. Paper available at: <http://www.cedha.org.ar/nasa.htm>
- **Primary and Secondary Education.** (*in progress*) CEDHA, in collaboration with *Delinear, Emprendimientos Educativos*, a local Argentine NGO working on environmental education at the primary-school level, is developing interactive didactic materials for training on sustainable consumption of water resources.

- **United Nations Code of Conduct for Corporations.** CEDHA collaborated advising on the definitive draft for the United Nations Code of Conduct for Corporations.
- **Agenda 21.** CEDHA collaborated as panelist with the School of Architecture and Urban Studies of the *Universidad Nacional de Córdoba* and with the Goethe Institute, at the 2nd Annual International Meeting of Agenda 21 in Córdoba (Nov. 1999). CEDHA presented a study on *Agenda 21 and Human Rights: the Right to Participate*. Available at: <http://www.cedha.org.ar/doc21.htm>).
- **Participatory Governance Training for Local Governments.** CEDHA prepared materials and conducted training for municipal governments on participatory mechanisms. Commissioned by the World Bank.
- **American Society of International Law.** CEDHA collaborated as organizer and panelist on Human Rights, Development and Environmental Protection at the ASIL annual meeting (April 2000) in Washington, DC. CEDHA presented the topic Human Rights Responsibilities of Private Business: A Question of Sustainable Development.
- **Contributor to Campaign** to avoid the dismemberment of the National Secretariat of Environment, Argentina.
- Participant in **World Bank Country Assistance Strategy** Participatory Meeting for NGOs and Civil Society, successfully inserting working group on environment.
- Advocacy on **Yacyretá Dam** and reparations to victims, held in Asunción Paraguay.
- CEDHA participated in discussion and publication on the Reform of the Inter-American System with more than 50 NGOs of the Americas.

b) *Training and Local Capacity Building*

- **Indigenous Leaders Training (in Greenland).** CEDHA participated as trainer for Latin American indigenous leaders on use of the UN Human Rights System for indigenous claims. Trainees included: *Kunas Panama*, *Mapuche Argentina-Chile*, *Aymara Peru-Bolivia*, *Miskitu Nicaragua*, *Quechua Argentina-Peru*, *Kiche Guatemala*, *Omak Costa Rica*, *Witoto Peru*, *Mexicas Mexico*
- CEDHA's Executive Director co-taught Environment and Human Rights Course for the International Law Masters Program at American University.
- **Agenda 21.** Training on Civil Participation in Environmental Planning
- Teaching to Environmental NGOs (in Washington, DC) on how to use the Inter American Human Rights System for environmental claims.
- Municipal Governance training (to 5 municipalities) on Participatory Mechanisms.

c) *Resource Development*

- **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. Manuscript is presently at Arizona Press.
- **Curriculum and materials** development for University Legal Masters Program on Human Rights and Environment

- **Training Materials for Participatory Governance** at the local level
- **Modules for graduate level coursework** to include human rights and environment in curricula on international public law, international environmental law, and international human rights law (in conjunction with CIEL)
- **Manual on Environmental Advocacy in the Inter-American Human Rights System** on how to use the Inter American Human Rights System for environmental claims (in conjunction with CIEL)
- **Publication on Dam Legislation**, for this American University book provides legislative comparative analysis to the World Dam Commission and legislators on Dam Legislation around the world, CEDHA will produce a chapter on Argentina.
- **Yacyretá Dossier**. In collaboration with the Yacyretá Coalition, CEDHA published a summary of ongoing investigation and advocacy of the Yacyretá Dam project. Available at: www.geocities.com/taecoro/yacyreta.pdf
- **Website**. CEDHA's website offers links to important environmental and human rights actors, documentation, and all of its publications. The website is available in English and Spanish. <http://www.cedha.org.ar>

IV. Legal Component

CEDHA devotes an important portion of its resources to strengthening international law and jurisprudence, and promoting legal action in favor of the protection of the environment and human rights.

In this component, CEDHA:

- 1) acts as an *environmental and human rights* advisor to legal institutions representing victims of human rights and environmental abuse;
- 2) strives to influence local and international jurisprudence and legal precedent at international tribunals, that link human rights to the environment.
- 3) identifies and promotes leading cases that present environmental abuses linked to human rights abuses in order to further develop the awareness of these linkages

Some of CEDHA's first year activities include:

- **Amicus Brief: Wichi Indigenous Peoples vs. Argentina**. CEDHA, in collaboration with CIEL, filed the second precedent-setting amicus brief presenting a legal argument linking human rights and the environment. The brief, filed before the Inter-American Commission on Human Rights, urged the Commission to order an injunction to halt construction of a portion of a mega project slated to cut through indigenous territories. As a result of the defense and the brief the Commission pressed the Argentine government to reach an amicable solution to the conflict, recognizing the symbiotic relationship existing between indigenous peoples and their land, an important stepping-stone in efforts to strengthen the link between human rights and the environment in the hemisphere. Amicus Brief available on CEDHA's website: <http://www.cedha.org.ar/curiae2.htm>

- **Amicus Brief: Awas Tingni Indigenous Peoples vs. Nicaragua.** CEDHA, in collaboration with CIEL and the International Human Rights Law Group, presented what was the first Amicus Brief to the Inter-American Court on Human Rights promoting the linkages between human rights and environment. The Commission ordered an injunction halting private projects intruding into indigenous territories. The case is now before the Court that for the first time admitted environmental arguments in a human rights case. Amicus Brief available on CEDHA's website: <http://www.cedha.org.ar/curiae1.htm>
- **Draft Inter-American Declaration on Environment and Human Rights.** CEDHA, in collaboration with CELS (Centro de Estudios Legales y Sociales), CIEL and CEJIL (the Center for Justice and International Law) is preparing a Draft Inter-American Declaration on Environment and Human Rights to be presented at the General Assembly of the Organization of American States. CEDHA will contribute to the declaration content and promote the treatment and passage of the declaration by OAS member states.
- **Environmental Racism and Discrimination Program.** CEDHA led a successful effort to insert four articles on Environmental Discrimination in the declaration proclaimed by civil society at the *United Nations PREPCON Against Racism, Xenophobia, Intolerance and Discrimination* in Chile. Paper and declaration available: <http://www.cedha.org.ar>
- **Environmental Protocol for Mercosur.** In an effort to foster awareness and protection of environmental issues in international trade, CEDHA is participating and advising in Mercosur's environmental working group (SG6) on the content of a future environmental protocol for the trade agreement.
- **Case Litigation.** Preparation for litigation in a case involving the largest clandestine toxic waste deposit in Latin America, located in rural Argentina 50 meters from a primary school.
- **Case Litigation.** Preparation for litigation in the US on case to defend victims of the use of pesticides which have affected over 17,000 families resulting in genetic deformation and birth defects in Misiones Argentina (vs. US corporations).
- CEDHA is presently reviewing possibility of lending legal counsel to Yacyretá Dam project victims.

V. New Programs and Activities

a) Business Ethics, Environment, Human Rights Program

CEDHA has recently embarked on the design of a new program aimed at fostering private sector awareness of environmental and human rights issues. This program will foster debate and local and international intercommunication between business actors, fostering socially responsible conduct and sustainable development integrating environmental and human rights concerns. This CEDHA program will:

- 1) conduct research on topics relevant to social responsibility of business;

- 2) create networks fostering communication between business actors and exemplary cases of environmentally and human rights conscious sustainable development;
- 3) organize workshops on sustainable development, business, environment and human rights;
- 4) maintain a database of information, publication, examples of private-sector-led sustainable development, environment and human rights
- 5) create tools for businesses to address sustainable production incorporating environmental and human rights concerns (through a Corporate Environmental Strategy Framework to focus on production, product, clientbase, market, inputs, employees, location, investors, etc.)

b) Environment and Human Rights in Trade (MERCOSUR).

CEDHA will actively promote the incorporation of Environment and Human Rights principles in international trade, and particularly in the MERCOSUR trade agreement. CEDHA is presently in communication with government officials negotiating the multilateral treaty to obtain advisory status.

c) Training on Local Tools for the Defense of Environmental and Human Rights

This is a workshop to be conducted in Córdoba in a collaborative effort with Poder Ciudadano and FARN (Fundación Ambiente y Recursos Naturales), Argentina.

d) Santiago Conference on Racism, Xenophobia, Intolerance and Discrimination.

CEDHA plans to participate in this pre-South Africa event with a view to introduce and develop the concept of environmental discrimination.

VI. Partnerships, Networking and Other Institutional Collaboration

A large part of CEDHA's work program is conducted in collaboration with other NGOs and institutions working in the area of human rights and environment. CEDHA's philosophy is that through institutional relationships and by working in unison with other institutional and human resources, we can better leverage our efforts to protect against environmental and human rights abuses. Partnering is also an effective way to minimize expenditures and maximize our impact with existing economic resources; it avoids duplication and allows for more effective division of tasks between organizations.

CEDHA participates in these and other institutional linkages:

- CEDHA is part of the Environmental Information Network.
- CEDHA is member of the Inter-American environmental rights forum (a hemispheric network comprising experts and functionaries of international environmental law).
- CEDHA is member of the provincial council of environmental organizations

- CEDHA participates in the Inter-American Strategy for the Promotion of Public Participation in Decision-Making on Sustainable Development.
- CEDHA shares part of its work program with numerous non-governmental and/or academic organizations or institutions, including, CIEL (USA), CEJIL, American University, Indian Law Resource Center (USA); Sobrevivencia (Paraguay); International Council (Switzerland); CELS, Delinear (Argentina); FUNAM (Argentina), University of Arizona, Yale University, University of Minnesota, Harvard University, Notre Dame University, Catholic University (Argentina).
- CEDHA is presently up for nomination in the AIDA environmental and human rights network.

VII. Institutional Design

CEDHA has opted to maintain a minimal institutional setting, largely operating in a cyber environment, contracting assistance on a demand-needed basis. Most of CEDHA's staff and volunteer contributors work independently from satellite locations. CEDHA collaborates with a number of NGOs, sharing staff and overhead costs. CEDHA works with three interns assisting primarily with local Institutional Relations, editing and translation of CEDHA's documents and website, as well as numerous volunteer and/or remunerated staff (on a by-project basis). The newly designed Business Ethics, Environment and Human Rights program is presently seeking independent funding, and would have at least one permanent staff and assistant for the life of the project.

VIII. Pro-Bono Support

CEDHA receives a substantial contribution to its operating budget in the form of volunteer time offered by administrative, programmatic and legal human resources. In its first year + of operations, 61% of CEDHA's gross income came in the form of in-kind and pro-bono support from various staff and outside consultants. This strong volunteer support was an important contribution to the initial launch of CEDHA.

IX. 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 largest portion of CEDHA's budget is destined to salaries, representing 62%, travel (local and international) accounts for 26%, while general office expenses/utilities have been kept to a bare minimum and account for 11% and 1% going to resource development.

X. Budget Financing

Although resources were slim for the first year of operations, CEDHA met its funding needs for all of the specific activities presented in this report and for all of the products thus far concluded. Twenty two percent of CEDHA's income in 1999-2000 were donated or contracted by CIEL, CEDHA's largest supporter. Multiple contracting institutions provided another twenty percent of funds, while the remainder was offered pro-bono from various local and international staff working voluntarily on various project components.

At the close of 2000, CEDHA was awarded a two-year grant from the Hewlett Foundation which will cover an important portion of year 2001 staff salaries, thus far largely financed through pro-bono and contract work.

XI. Conclusion and Future Program and Strategy

In its first year of activity, CEDHA has successfully met and exceeded its initial objectives. CEDHA has successfully established itself as a unique local institution, and one of the few worldwide institutions dedicated to promoting the linkages between environment and human rights. The large local and international demand for its services and the growing awareness of the importance of the overlap of these two areas, guarantees CEDHA's relevance and continuity. CEDHA has successfully contributed to international law and jurisprudence strengthening this overlap, and has produced numerous relevant publications for local and international fora.

Demand driven contracts and fundraising efforts have been fruitful to de extent that a large portion of CEDHA's estimated overhead costs for 2001 should be covered by an important grant from the Hewlett Foundation, and expected new contracts from year 2000 contractors. Additional fundraising efforts are underway to finance the remaining portion of the CEDHA budget for existing activities and for new activities such as the Draft Inter-American Declaration on Environment and Human Rights, the Business Ethics, Environment and Human Rights components, the Environmental Discrimination Program, and the International Trade (MERCOSUR) and Yacyretá projects.

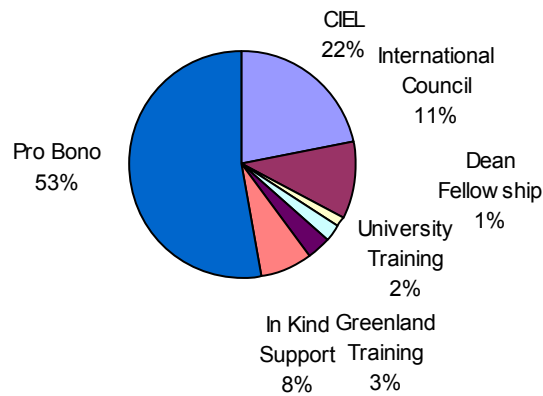
CEDHA's strategy for the next year is to continue to work locally and internationally to promote the linkages between human rights and environment. CEDHA will focus its work program on achieving its existing objectives, strengthening awareness, capacity, and developing resources to address the promotion of environmental and human rights. In terms of programmatic works, CEDHA's will prioritize:

1. Draft Inter-American Declaration on Environment and Human Rights
2. Amicus Brief preparation for leading cases
3. Design and Launch Business, Environment and Human Rights Program
4. Inclusion of Environment and Human Rights issues in MERCOSUR agreement

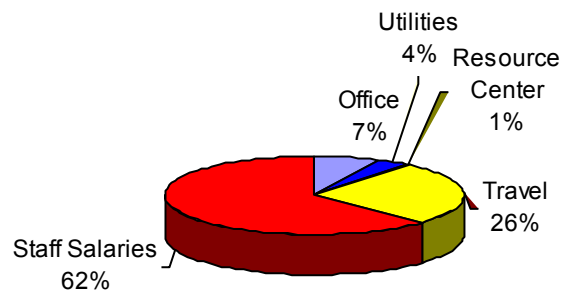
5. Promotion of the concept of environmental discrimination.
6. Identification of Local and international environmental and human rights abuses with follow-up and litigation advisory service, promotion, amicus, etc.
7. Local, national, and international, policy development and promotion
8. Material Development, including University Instruction Materials and CEDHA publication on overlaps of HR & ENV
9. Research projects on issues relevant to the overlaps between HR and ENV.
10. Increased search for institutional funding.
11. Institutional strengthening

CEDHA BUDGET (8/99-12/00)

Income



Expenses

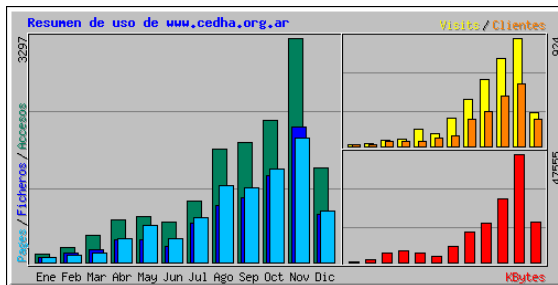


Website Use, Summary and Statistics for 1999-2000

CEDHA's website (www.cedha.org.ar) was created at end-99 as part of the CEDHA material resource development component. The site is offered in Spanish and English, and contains information about CEDHA and its staff, links to other environmental and human rights Internet resources, articles on human rights and environmental rights, and events information.

Figure 1 CEDHA Website Growth Year 2000

Since its debut, the site has seen enormous growth in increased traffic, increasing daily average visits from 4 in the first month of operations to over 100 in the closing months of this report. (see Figure 1) Since its inauguration, the site registers 13,762 hits, representing 3565 separate visits.



Visitors visit on average 63 different CEDHA pages per day. In the last available monthly webpage report, 532 different individuals visited CEDHA's website. The most visited pages are the Documents On-Line links, used to download the various documents CEDHA offers via the Internet, including articles on international environmental

law, amicus briefs and other documents prepared by CEDHA. Visitors also frequently visit pages related to institutional information about CEDHA. Approximately one third of the visitors enter the site through the Spanish link, while the remainder enter through CEDHA's English site.

Visitors come to CEDHA's site from around the globe. As identified by the visitors' Internet extension (.com, .edu, .net, .ar, .mx, etc.) CEDHA's visitors are 20% .com, 21% not identified, 4% .edu (USA), 8% .net, 32% from Argentina, and the remainder from a number of countries including Australia, Austria, Belgium, Bolivia, Brazil, Canada, Chile, Costa Rica, Croatia, Colombia, El Salvador, Finland, France, Germany, Holland, India, Ireland, Japan, Malta, Mexico, Nicaragua, Peru, Philippines, Portugal, Hong Kong, Israel, Italy, Malaysia, Mexico, Russia, Spain, Sweden, Switzerland, Thailand, UK, Uruguay, and Venezuela.