

## Human Rights and Sustainable Development

# A view from the Americas

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From the time of the drafting of the 1948 Universal Declaration on Human Rights (UDHR) global society recognized the importance of a broad array of human rights, categorized then (and to this date) as civil, political, social, economic and cultural rights. However, from that date, several important global socio-political dynamics have dominated the human rights agenda shaping the way we understand and prioritize these rights. Recent changes in the global order have begun to question this understanding, and we are in the midst of a clear paradigm shift in terms of how we understand human rights and their implications for sustainable development.

The immediate post war apparition of the capitalist-communist dichotomy turned the western (European and US) agenda towards a prioritization of civil and political rights. Dictatorships, particularly communist dictatorships, suppressed civil and political rights, and hence, these were of utmost concern to human rights advocates. This was later fueled in the American hemisphere by the apparition in the 1960s and 70s of dictatorships accused of committing egregious violations of human rights, again, civil and political rights.

While human rights advocates in the region were focused on protecting civil and political rights, the vast majority of people around the world and in the region were still struggling to get out of poverty. Industrialized countries were entering an era of massive technological and industrial transformation and growth, while institutions like the World Bank set a poverty agenda or *development agenda*, focused on structural problems, policy, and actions towards poverty eradication. Yet no one spoke of poverty (and this remains to this date) as a violation of human rights. In the region, civil and political issues were juxtaposed to economic, social and cultural issues, and it was not uncommon to hear the perverse argument, that the suppression of the former, could lead to the progression of the latter; the Chilean and Cuban cases are two examples which were often posited as such cases.

Poverty, however we look at it, violates economic, social and cultural rights, yet, from a rights based perspective, poverty was not a priority for human rights advocates in western-capitalist societies.

Then the world began to speak of sustainable development as the world began to show signs of environmental collapse, and as early as the early seventies, we began to associate the environment and it's health to the human condition. This awareness was encapsulated in the World Conference on the Human Environment in the early 1970s. By the end of the 1980s, the communist-capitalist paradigm fully collapsed, and dictatorships in the hemisphere were nearly eradicated. The western world had chosen democracy and its expected social economic benefits as the only possible paradigm, and all of a sudden, civil and political rights didn't seem so important anymore. Our eyes finally turned to the severe conditions of growing poverty and inequality in the region.

By the close of the 20<sup>th</sup> Century, the discussion went away from torture and physical integrity, freedom of speech, and political liberties, and began focus on human dignity as the basis upon which to construct a better world. Human rights was about human dignity for all. Today we understand that without the full realization of all human rights, which necessarily means the eradication of poverty and the improvement of basic human dignity indicators, we are not moving towards sustainable development. This is a large leap of social understanding, important for realization of human rights. We are starting to see this new understanding appear on the development agenda in the form of what we have labeled, "a rights based approach to development."

Such an approach grounds all social and economic development issues on human rights. It forces the consideration of realization of rights in all development processes. Problems like poverty, unemployment, displacement, environmental degradation, health deterioration, poor sanitation, inadequate housing, all become rights issues, namely, if they exist, then we are before a violation of human rights. The question is, how do we enforce these rights when our courts do not recognize their violations.

The courts are not the only institution failing to recognize a more ample understanding of human rights. The region's development agencies, principally the World Bank, the International Monetary Fund, and the Inter-American Development Bank, have yet to internalize (and resist) this approach into their lending and program procedures. Human rights are not in their lexis, they are not in their training, nor are these institutions measuring realization of human rights in their development indicators. Their poverty reduction targets are developed in a loosely defined common understanding of what is poor and what is not, or what should be and what should not. This is where the force of a rights based approach lies. We have already defined useful and legally binding targets, those enshrined in the UDHR and subsequent human rights doctrines. It is time to implement actions towards the realization of human rights.

Meanwhile, human rights bodies relevant to the hemisphere, are also lagging in their approach to rights protection. They too fail to extend their reach and protection powers into all human rights.

In the Americas, human rights are framed by the UDHR and the hemisphere's own human rights treaties, including the American Declaration and American Convention on Human Rights. Echoing the global Covenant on Economic Cultural and Social Rights, in the Americas the newly in force hemispheric law on Economic, Social and Cultural Rights, the Protocol of San Salvador, frames such rights for the hemisphere and provides a new inroad with hemispheric weight for the region's populations.

Yet, the Inter-American Human Rights Commission and the Inter-American Court on Human Rights, the hemisphere's principal human rights bodies regularly receiving complaints of human rights violations, generally perpetrated by the state against individuals or communities, are almost exclusively focused on cases involving civil and political rights, mostly linked to abuses committed by past dictatorships or abusive police forces and military. Only recently have other types of cases, such as cases involving indigenous communities, property rights, economic rights, environmental rights, etc, begun to appear at the system, and only with great caution and resistance from the admissions processes of the system.

The environmental justice movement born in the latter part of the 20<sup>th</sup> Century in the United States, where poor and marginal communities of color began to protest the inordinate and disproportionate burden they bear of environmental contamination in their neighborhoods, made an important contribution to the deepening of our global understanding on the links between human dignity, economic and social conditions, and the realization of human rights. The US based EJ movement, later joined by indigenous leaders suffering similar environmental discrimination, and more recently extended beyond US borders encapsulates the essence and importance of following a human rights based approach to development. We cannot conceive of a world where human rights are realized if we live in poverty, in great health risk, and in societies where only a select portion of the population benefits from development.

In our own work in Latin America, both locally and regionally, we have begun to address human rights and sustainable development, looking particularly at the ill-effects of environmental degradation on the enjoyment of human rights. In Argentina, for example (but the problem applies to nearly any community of the region), certain sectors are suffering enormous health problems resulting from economic development in the form of private sector investment and even public policy. Electrical transformers laced with PCB are killing men, women, and children of leukemia, agro-pesticides are contaminating drinking water and are killing field workers, truck drivers, and people living on or near farms. The health impacts of genetically modified organisms, cellular antennae, and other modern technological products are yet unclear, placing large portions of the population in potential health hazards. Large dams and industry contaminate freshwater aquifers, rivers, and lakes, causing widespread illness and loss of livelihoods of those who depend on these water sources. The examples go on and on.

For many years we have ignored the human rights violations caused by development; and this is particularly so in the case of poor and marginal communities, which already suffer severe infrastructure deficits in terms of public services such as water and sanitation. We simply have not viewed these economic development externalities as human rights issues. We have thought of human rights violations only as those perpetrated by dictatorships during the many years of military rule.

In the midst of this debate governments of the developing world, including from the Latin American region, conveniently hide behind confabulations of plots by industrialized countries to set up trade barriers with the excuse of strengthening environmental and human right protection mechanisms and policies. This is a weak, unfounded, and irresponsible argument to escape the large responsibilities of ensuring human rights protection in all development processes.

In our advocacy at the Center for Human Rights and Environment, we are helping disseminate a deeper understanding of sustainable development and of human rights. At the local level, we are working with local courts, attorneys, and NGO leaders for example, driving home the idea that poverty and its symptoms, are violations of human rights and should be addressed as rights issues in local courts. We are trying to set jurisprudence in such cases so as to educate the court system, and establish precedent for the next case coming before the judges. We are pressing state authorities and public institutions to ensure that policy and programs are addressing rights realization, and at the very least reverting and repairing circumstances of human rights violations. Poverty is not a question of good or bad public policy, it is a violation of human rights and its elimination is basic to achieving human dignity.

At the regional and hemispheric level, our advocacy turns to global governance structures, namely the Organization of American States, the World Bank, the Inter-American Development Bank, the International Monetary Fund, the negotiations towards the FTAA, and the several regional economic accords, as we push these to begin to open up their agendas to rights based development issues. In part, especially at the legal institutions such as the Commission and Court on Human Rights, our work focuses on education on the impacts of environmental problems on the realization of the full spectrum of human rights, including civil, political, social, economic, and cultural rights.

With the international financial institutions, as well as with trade negotiators, the advocacy varies from examining how lending programs, development assistance or trade flows are impacting human dignity, and more specifically, human rights. We are pushing to ensure that proper *social impact* assessment (not merely standard inadequate and narrow environmental impact assessments) become standard practice in such agencies. Trade negotiators, for example, generally assume that human rights issues are not relevant to their negotiations, and resist addressing human rights at their tables. Our view and position is that all development processes are linked and ultimately must conform and work towards the full realization of human rights.

One very significant condition that must be met if we are to ever move towards more socially sustainable development is enshrined in Principle 10 of the Rio Declaration, and this has to do with ensuring access to information, participation in decision making and access to justice when things go out of hand. Given that our governing institutions, national, regional, and global, have not successfully created an equitable and level playing field for all of our populations, considering the evident weakness of our democratic culture and its nascent institutions, and considering the poor representative character of our political leaders in the region, the ability of organized civil society and other stakeholders to comment, critique, influence and change policy (in terms of a realizable right to do so), becomes fundamental towards sustainable development. This is an area where our organization is pointing its program agenda, namely, civil society participation in global governance.

As our global governance structures, the OAS, UN, WB, IDB, IMF, and others learn about human rights and as we are granted participation and participatory rights and space, and we are able to influence policy and improve basic human dignity indicators, we will begin to move along a continuum towards sustainable development.

Until then, human rights must be at the foundations of everything we do as advocates of sustainable development and for the full realization of human rights, civil, political, economic, social and cultural human rights. The realization of these rights should be the ultimate objective of our struggle.

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