

Economic Integration and Human Rights

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1. Economic Integration and Human Rights

While governments, the trade sector, and financial institutions have been maintaining a dialogue to define joint strategies in matters relating to economic integration, the critical link between trade and human rights has been neglected: individuals and organizations involved in the defense of human rights have often been excluded from these talks. Most discussions are centered in the flow of capital in common markets, and little progress has been made in terms of citizenship rights for the populations who are part of the process of regional and global integration.

Activists and representatives of civil society throughout the world have been drawing attention to the need for a shift in the paradigmatic matrix of this dialogue, stressing that “this debate cannot and should not remain restricted to discussions on the inclusion or non-inclusion of the so-called ‘social clauses’ in trade agreements. The free trade-based developmental model is itself in check. Themes such as poverty, social disparities and the environment must be at the heart of discussions.”³

During the 1990s, through critical and vigilant analysis and proposals, civil society organizations played a fundamental role in domestic public policies. They also acted internationally by influencing treaties, agreements, and various programs involving United Nations member countries. Today, these political actors continue to closely follow the processes of economic globalization, free trade, and

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³ Roque, 2001.

market integration, aiming at exercising greater impact upon them. Their chief concern lies upon the negative aspects of such processes in terms of social exclusion and increase of poverty.

During the last decades, the world has been witnessing a politico-institutional and economical reorganization that has led to the restructuring of regional blocs, which are increasingly important in defining international regulations on trade, industrial production, and labor flow, among other aspects. This reorganization of the economic scenario is being accompanied by a growing interdependence among countries in issues related to social policies, environmental protection, and the promotion of human rights⁴.

During the 1990s, negotiations led by the United States aimed at the creation of the FTAA (Free Trade Area of the Americas), which would bring most American countries together under the same trade bloc⁵. The first meeting dedicated to the creation of the FTAA to include government leaders and heads of state took place in Miami (USA) in 1994, and was followed by the 1998 Second People's Summit of the Americas, in Santiago, Chile, and the Third People's Summit, held in Quebec in 2001. Primarily, the FTAA aims to be an area of free trade of products, capital, and in some cases, services. "In addition, the agreement will regulate investments and intellectual property, among other themes of special interest to the United States and Canada."⁶

2- The role of civil society

In recent meetings of international trade institutions, which took place in 1998 and 1999, in Montreal, Seattle and Davos, as well as in the World Bank meeting in Washington (April, 2000), the joint meeting of the International Monetary Fund

⁴ However, processes of regional integration date back to the 1950s, when the European Economic Community (present European Union - EU) was created. During the decades that followed, Asian countries also organized a regional bloc of their own, as did part of the African countries. In the American Continent, four regional trade agreements coexist, namely: NAFTA (North American Free Trade Agreement), which includes the United States, Canada and Mexico; Caricom (Caribbean Community and Common Market); the Andean Pact (Bolivia, Peru, Colombia, Ecuador and Venezuela); and Mercosur, formed by Brazil, Argentina, Paraguay and Uruguay, with Chile and Bolivia as associate members.

⁵ Only Cuba has not been participating in FTAA negotiations.

⁶ Campos; Oliveira and Bianchini, 2001.

(IMF) and the World Bank in Prague (September, 2000), and most recently the Third Summit of the Americas (Quebec, April 2001) and the Geneva's G8 meeting, civil society organizations pointed out the need to redefine the terms of the social debate on the future of the global governance. The final reports submitted by the civil society organizations at the closing of some of these meetings are a clear indication of the urgent need for the elaboration of a different paradigm, which would place values of social solidarity, racial, gender and social equality and environmental protection above the narrow vision of economic efficiency. The World Social Forum (Porto Alegre, January 2001 and February 2002) is a major step ahead in the formulation, by civil society, of alternatives and strategies at a continental and world level.

The political agenda of civil society organizations includes the economic issues introduced by globalization and goes a step further. During the last decades, various documents adopted by the United Nations and ratified by most countries have proved to be strategic tools in the struggle to guarantee human rights at an international level and increasingly, at a national level. The debate around these international and national instruments for the protection of human rights has been gaining importance in the agenda of these organizations and should be the major guide for discussions on globalization.

There is a general consensus among civil society organizations that it is necessary to adopt social and political measures that promote better distribution of income and wealth in countries involved in integration processes. It is also urgent to define an acceptable standard in terms of labor legislation, in order to ensure that those rights already sanctioned by some of these countries be also respected by other countries. Another challenge is the expansion among member countries of various types of rights in accordance with more advanced legislation. Therefore, developing a human rights and social rights agenda to accompany the processes of economic integration is an urgent task.

3- Human rights protection as a condition for an alternative world order

Human rights sources are numerous and can be found in national constitutions, regional and international treaties, and in conventions considered acts of law in national states. Civil society has been playing a fundamental role in broadening sources and instruments of human rights, shaping new spaces for citizenship and reshaping the relation between State and individual, thus making legitimate the idea of a humanity that shelters differences but does not allow these differences to delimit hierarchies among citizens.⁷

The process of expanding the concept of human rights by means of political action by civil society has been constant in United Nations conferences, particularly during the 1990s. In the United Nations Conferences on Environment and Development (Rio, de Janeiro, 1992), Human Rights (Vienna, 1993), Population and Development (Cairo, 1994), Social Development (Copenhagen, 1995), Habitat (Istanbul, 1996) and the Women's Conference (Beijing, 1995), the platform of human rights has been widened and its concepts redefined, thanks largely to the action of new NGOs that included issues such as health, domestic violence, reproduction, gender, race and ethnicity, and the environment, among other themes. These new social actions have formed well-structured national, regional and international networks, and in spite of the diversity existing among them, have succeeded in drawing up international strategies based on common grounds.⁸

The universalization of human rights is a process that began in the second half of the 20th century and is now consolidated in international agreements that have created obligations and responsibilities for States, who must represent the people subject to their jurisdiction.⁹ On the one hand, human rights treaties assign specific functions to national public organs. On the other, a growing number of constitutions incorporate international treaties to rights internally guaranteed. Far

⁷ This subject is further developed by Jacqueline Pitanguy in "Gender, Citizenship and Human Rights, Language as a Political Fact", submitted at the seminar "Gender Studies in the Face of the Dilemmas of Brazilian Society". São Paulo, Carlos Chagas Foundation, 2001 (preliminary draft).

⁸ Sikkink, 2000.

⁹ For further discussion on this issue, see Piovesan, 2000.

from operating in a fragmented way, national and international rights are constantly interacting¹⁰.

The inclusion of human rights as a central point of this debate implies the acknowledgement of the deep changes that this concept has undergone throughout the 20th century, after the Universal Declaration of Human Rights in 1948. Restricted at first to civil and political rights and later to social rights, during the latest decades and as a result of the political action of various agents, particularly women's movements, the language of human rights is being expanded to include new historical subjects and dimensions of life.¹¹

There is a gap between the international human rights language, the governmental rhetoric, and the actual protection of these rights. The width of this gap is related to social inequalities, power and politics, and results from tensions, struggles and alliances between national and international agents. Therefore, it is impossible to discuss human rights without referring to the historical process that enables the declaration and the consolidation of such rights. They begin to exist from a social standpoint once they are stated in national laws and international conventions, thus shaping the scope of formal citizenship, which does not always coincide with its effective exercise. The borderline between both spaces, formal and effective, is delineated by political action and therefore subject to both progress and recession.

4- Human Rights in Mercosur

The critical social situation in most Latin American countries forbids us to be lured once again into accepting solutions presented as guarantees for the well-being of the population. Ordinary formulas raise tariff agreements and foreign trade mechanisms to the condition of chief instruments in the solution of the serious problems of inequality that are characteristic of Latin America. Contrary to this belief, such problems tend to become even more serious if the processes of commercial integration fail to provide a joint platform of human rights. Therefore, it

¹⁰ See Cançado Trindade, Antônio A. in Piovesan, F. op. cit.

¹¹ See Pitanguy, 1998.

is imperative to redefine the basis over which integration agreements are to be drawn up, through the establishment of a social, environmental and human rights agenda that will provide parameters, restrain abuse, and define desirable levels of well-being to be achieved.

Mercosur was established in 1991, under the Treaty of Asuncion based on free trade agreements involving Argentina, Brazil, Paraguay and Uruguay. Subsequently, Chile and Bolivia were incorporated as expanded members... Mercosur is the most important commercial initiative of Latin America. The countries that integrate this market respond for an economy of approximately US\$ 1 trillion dollars and a universe of around 230 million people. This market is intended to eliminate customs tariffs, ensure the free circulation of production factors (capital and labor) and to establish a common commercial policy in the south of the continent.

The Civil Society Forum of the Americas¹² has drawn attention to the fact that civil society has been absent in this process of economic integration that is taking place in the southern part of the continent, the Mercosur, and points to the urgent need for initiatives that will ensure its participation in debates about the common market and its social impacts. Civil society organizations point out the need to set up a minimum ground for political, social, civil, environmental and health rights, and protection against gender, race and ethnic discrimination, by which member countries should agree and respect, through the commitment of governments for this purpose.

For this purpose, Cepia (Citizenship, Studies, Information and Action) has conducted a comparative research on the incorporation of human rights into laws and other active instruments in Argentina, Brazil, Chile, Paraguay, and Uruguay.

¹² The Civil Society Forum of the Americas is an independent space for dialogue where leaders of civil society organizations (CSOs) in the Americas with differing objectives and perspectives, come together to share experiences, design common strategies, and develop collaborative approaches to address social problems. This space is particularly needed today when global economic forces have led to the deterioration of social welfare services traditionally provided by governments, and when inequality and environmental degradation are increasing. The Forum was launched in September, 1997, in Rio de Janeiro, Brazil, at a meeting convened by Cepia - Citizenship, Studies, Information and Action (www.cepia.org.br) and The Center for Health and Social Policy (www.chsp.org), that brought together 26 leaders of civil society organizations from 13 countries in the region and from a variety of fields, including human rights, development, environment, gender, poverty, health, sexual and reproductive health, and violence. The Civil

The goal of this research has been to analyze the achievements as well as the obstacles to the implementation of human rights legislation in these countries. This study identifies the recurrences, specificities, main achievements and gaps in respect to human rights both at the legal level and in terms of their implementation.

Cepia's analysis leads us to believe that the subject of human rights promotion and protection deserves special attention at a time when the drafts of joint policies in various areas for the countries of the Mercosur are being discussed. At the same time, it is necessary to include the discussion on the impacts these trade agreements will have on specific groups in the debate on FTAA implementation. Governments, international financial institutions and the business sector should understand the demands of civil society organizations for the elaboration of a new paradigm that will raise values of social solidarity, gender and race equality, and environmental preservation above the narrow vision of market efficiency.

Strategies that aim to fight against this context of inequality must define policies that have as their starting point the recognition of the historical and systematic injustice to which certain sectors of the population have been submitted. It is urgent to include issues related to racism, sexism, social policies, environmental protection and other subjects in the debates on commercial integration, and more specifically in debates on Mercosur and the FTAA. These are basic premises for defining the direction that this process will take and for structuring the position of the various agents involved.

5. Commercial Integration, Human Rights and the struggle against Racism and Sexism

In spite of the widening of the debate on globalization, the issue of ethnical and racial inequalities have not gained due attention so far. This discussion is necessary since it is possible to identify differences in the impacts of the process of globalization and economic integration on specific groups. Several studies have

demonstrated, for instance, that women are affected differently by adverse economic consequences resulting from commercial liberalization.¹¹

This unequal impact is also present when we compare diverse ethnical and racial groups, as well as gender differences. A recent document prepared by CEPAL synthesizes some important indicators of ethnic and racial inequalities in Latin America and the Caribbean.

“The black and mestizo population totals 150 million people, about 30% of the regional population, and is mostly concentrated in Brazil (50%), Colombia (20%) and Venezuela (10%). It is estimated that there are between 33 and 40 million indigenous people (natives), who are divided into 400 ethnic groups (except for Uruguay, all Latin American countries have indigenous populations). The majority of indigenous, Afro-Latino and Afro-Caribbean populations live in poverty and their access to health, education, work, income, justice, and political decision are well below those of the white population. Among the factors that originate this situation are the gradual loss of land and the breakdown of community economies. Other contributing factors include the process of rural/ urban migration and the structure and dynamics of insertion into the labor market, both in rural areas and cities.¹²

Latin American researchers point to other characteristics of these ethnic and racial disparities: “Though in Latin America the majority of people are poor, more than two-thirds of the bilingual Indians and nearly three-fourths of the monolingual Indians are poor. The situation is similar among African descendants and is apparent in the areas of education, health, land ownership, job opportunities, and others.”¹³

Though multilateral organizations such as the World Bank and the Inter-American Development Bank (IADB) have been increasingly more concerned about the impact of regional policies on Afro-Latin and indigenous populations, the debate is still incipient, not only in terms of governments and financial institutions but also as regards the civil society. Recent results from the Second People’s Summit of the Americas - held in Quebec parallel to the Summit of the Americas,

11 i.e., CEPAL / ECLAC (2000b); see also ESPINO, 1999.

12 CEPAL / ECLAC, 2000.

13 CUNNINGHAM, 2001.

which intended to foster negotiations for the FTAA - indicate that these themes have gained little consideration.

In fact, considering that this was a meeting focused on the hemisphere, with its wide diversity of groups and peoples that make up the Americas, the text does give some emphasis to the rights of the indigenous populations: it draws attention to the risks that agreements such as the FTAA may bring in terms of placing the indigenous populations in a marginal situation and promoting the appropriation of their knowledge for commercial purposes. It later reiterates its concern for indigenous peoples when it holds that the signers of the declaration should “greet the Declaration of the Indigenous Peoples Summit of the Americas, held in Ottawa on 29 to 31 March, 2001 and claim the recognition of their fundamental rights.”¹⁵

The Declaration also sustains that participants of the Summit “are opposed to the racist, sexist, unfair and environmentally destructive neo-liberal project”. This being stated, no further mention is made of the impact of the FTAA and other integration agreements on black populations in these countries, which historically and because of continued racism have clearly been affected by these policies in a different way.

It is worth stressing the growing visibility that the theme of racial and ethnic inequalities has been gaining on a regional scale. Not only does the emphasis on statistical data show the dimension of these inequalities, but more importantly it demonstrates the connection established in various analyses between the consolidation of democracy, the respect for human rights and the need to correct historical episodes of ethnic and racial inequality.

It has also to be highlighted the growing awareness of women’s movements about the need to struggle against the regional agreements when they don’t have an explicit concern about the rights of people and the social and economic inequality which is often maintained by these treaties. FTAA has growingly been pointed as a major concern of different social and political organizations in Latin America. These groups are already denouncing the lack of transparency in the negotiations and also the difficulties that this agreement will bring to the already fragile economies of the region. They are already mobilizing themselves in order to

pressure governments to engage in the development of an alternative way of integration and global trade, which can fulfill the needs of the majority of people and take in account the disparate impacts of these policies on specific groups in society, particularly women, the elderly, the poor, indigenous and black people.

During the recent World Social Forum, that Has taken place in Porto Alegre in February 2002, thousands of grassroots organizations, trade unions, women's groups, environmental organizations and others have protested against the unequal process of globalization in course, and have defined strategies to interfere in this debate during the next years.

6- Globalization, solidarity and strategies for resistance

The terrorist attacks that took place in New York and Washington, DC on September 11, 2001 have shown to the world, in a dramatic way, that the ideal of a new 21st Century free of violence and injustice is still a far endeavor for the inhabitants of this planet. The attacks have revealed a situation of tension and unsolved conflict which consequences are still hard to measure. More than ever, the human rights agenda is up to date and opportune. More than ever, the world faces the difficulties in solving conflicts that put together a variety of aspects, combining astonishing economic inequalities and different kinds of cultural, ethnic and religious differences. It is undeniable that these conflicts are directly linked to the situation of global and social apartheid that we live in the world today, where resources are unequally distributed over regions, countries and individuals in an unprecedented scale.

The immediate consequence of these attacks is the need of defining more precisely what is to be considered terrorism. All forms of terrorism should be condemned, including the one practiced by radical political or religious groups, but also the terrorism practiced by states. As important as to identify and denounce the connection of the Taliban regime with terrorism, it is to reject any state, any regime that does so. In Latin America, for instance, the memories of military dictatorships and death squads and torturers in Guatemala, El Salvador, Nicaragua, Argentina,

Brazil, Chile, Uruguay, are still very vivid. The fight against terrorism cannot be based on a unilateral definition of terrorism. Fundamentalism does not equate to terrorism. Catholicism, Judaism, Protestantism and Islamism have fundamentalist interpretations that have been sometime associated with terror and violence.

The fundamentalist interpretation of Islam that has lead to terrorism against women in Afghanistan and against which women's voices has not been enough. Women's rights are human rights and should be valued as such no matter the religion or regime of a particular country.

Based on respect for diversity, any kind of fundamentalism must be strongly rejected because, by their assumption of being the only acceptable truth, they are opposed to democracy, pluralism and to consensus building, which are key values to be considered.

The results of the recent World Conference Against Racism, Race Discrimination, Xenophobia and Related Intolerance, that took place in Durban, South Africa, on the first days of September shall be recalled. This conference has promoted the meeting of different agendas, that had in common the struggle against discrimination and exclusion. Now, it is time to concretize the ideas and proposals agreed in the Durban Declaration. This document shall serve as a weapon against terrorism, intolerance, prejudice and the abuses practiced in the name of order, in search for revenge.

Other UN conferences have taken place during the last decades. Women, children and adolescents, for instance, have organized themselves and have benefited from the possibility of the incorporation in international documents of their specific rights and strategies to achieve them. Also the struggle for environmental protection has been strengthened and institutionalized through the mobilization for world conferences. These specific groups have constituted themselves as important political actors in the international scenario. In great extent this has happened because these actors have been able to mutually recognize themselves at international level, building alliances that have made it possible to give visibility to their demands at local and national levels.

Women's groups have been capable of showing to the world the importance of recognizing their right to dignity and respect as a fundamental requirement for

democracy, transforming this into an issue that involves the whole society and not only a women's business.

Through the Convention for the Elimination of All Forms of Discrimination against Women (CEDAW), the UN has recognized that gender discrimination violates the principle of equality of rights, constituting an obstacle for the well-being of society. These same principles are now object of mobilization and pressure by women's groups in the Mercosur and in Latin American countries, regarding the negotiations on FTAA. Their aim is to guarantee that at regional level the achievements in terms of women's rights will be respected. Mobilization has as specific targets the respect to women's rights in the labor market, in civil law and in the area of sexual and reproductive rights.

The lack of social policies that can face some of the pervasive effects of State disarticulation, particularly severe in the field of health, education and housing, as well as unemployment increase are affecting, above all, the lower income population of these countries, which face the great challenge of continuing the integration of economic policies in a scenario of economic uncertainties and growing social inequalities. To face this picture, we consider it is urgent to elaborate a human rights agenda that shall not be a consequence of trade agreements, but shall precede and orient them. This agenda shall have as its main objective to contribute to establishing a minimum ground for political, social, civil, environmental, reproductive and health rights, and for the protection against gender, race and ethnic discrimination.

A social and human rights agenda should play a key role in providing an ethical parameter for commercial integration, determining limits for unacceptable abuses and discriminations and defining desirable levels of social justice and citizenship rights to be achieved. For instance, in terms of labor rights, topics such as child labor, underemployment, gender, race and ethnic discrimination in the labor market and the rights of immigrants shall be considered as priority in economic integration agreements. Considering the broadness of the current concept of human rights, this agenda should also incorporate the question of discrimination in a broader sense, including the dimensions of health, environment and domestic violence.

It is fundamental to start a broad debate among civil society organizations, governmental and commercial sectors, in order to establish a consensus about some basic citizenship rights that should be recognized when regional integration agreements are discussed.

The challenge for international civil society is to show to the world that these diverse agendas are linked and that common strategies can be developed in order to achieve long-lasting transformations. In this sense, we have to connect with "others", trying to understand what their pledges are and building solidarity beyond geographic and political borders.

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