



37th FIDH Conference 6 - 10 April 2010, Erevan

DRAFT RESOLUTION ON THE IMPUNITY OF CRIMES AGAINST THE ENVIRONMENT AND VIOLATIONS OF HUMAN RIGHTS COMMITTED BY COMPANIES AND/OR AS A RESULT OF FREE TRADE AGREEMENTS.

Given that the process of economic globalisation has not only severely undermined the sovereignty and right to self-determination of peoples but has also been accompanied by the gradual and increasing deterioration of the environment and of the human rights situation in general;

Given that, in particular, the model of development characterized by extraction of natural resources, along with the exploitation of hydrocarbons and open pit mining have contributed to the destruction of biodiversity in many places, contaminating rivers, lagoons and seas, affecting the rights of native communities and democratic governance in many areas, countries and regions;

Given that a “race to the bottom” is under way, seeking to reduce resources exploitation or production costs in contravention of the International Labour Organisation (ILO) fundamental conventions, ILO Convention 169 and the United Nations Declaration on the Rights of Indigenous Peoples, and also affecting the environmental norms that protect communities and peoples;

Given that this is affecting the right to food, contributing to deforestation with the expansion of agro-fuel crops, which further threatens peoples’ food security and sovereignty;

Given that these economic activities are frequently linked to measures taken to criminalise legitimate social protest;

Given that free trade agreements are playing a part in guaranteeing companies’ interests over and above the environment and human rights, establishing greater legal security for investment or trade than for individuals or peoples. In particular, this affects rights such as the right to health, the right to food and the rights of indigenous peoples or those of African descent while also undermining the right to development enshrined in the United Nations Declaration of 1986;

Given that the rights of all migrant workers and their families are permanently and more severely affected and compromised by the economic crisis, and that the very large majority of developed countries have not ratified the Convention that obliges them to protect these people’s rights;

Given that this type of practice continues with almost absolute impunity either because there are no regulations that sanction or prevent these or because, although the legal obligation to respect these rights does exist, it does not result in effective sanctioning of the perpetrators or reparation for the victims;

The International Federation for Human Rights (FIDH) Congress calls upon:

- The Special Representative of the Secretary-General of the United Nations on the issue of human rights and transnational companies and other business enterprises to produce a report on impunity and



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the means of reparation required in respect of these practices perpetrated by companies, which violate environmental regulations, labour rights and the rights of indigenous and tribal peoples.

- The United Nations High Commissioner for Human Rights to produce a report on the impact on human rights of free trade agreements, including the right to development as enshrined in the United Nations Declaration of 1986.

- Governments to adopt and abide by the fundamental conventions of the International Labour Organisation (ILO), the ILO Convention 169, and the Convention on the protection of the rights of migrant workers and members of their families. Also to ratify as soon as possible the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (ICESCR).

- Member organisations of FIDH to reinforce FIDH's Legal Action Group (LAG) and their own work at local and regional level to confront the impunity of these practices.

- The General Assembly of the United Nations, the UN Human Rights Council and regional intergovernmental organisations to consider the possibility of establishing an International Economic Court to establish sanctions, order reparation and cancel the licences of companies involved in the practices described above that are not sanctioned by the States where these violations are committed.