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Regional Seminar

Economic and Social Rights in the Southern and Eastern Mediterranean

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MIZAN
Sisterhood Is Global Institute (SIGI)
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Abreviations

Art.	Article
CESCR	Committee on Economic, Social and Cultural Rights
EMP	Euro-Mediterranean Partnership
EMP countries	Euro-Mediterranean Partner countries
ESC rights	Economic, Social and Cultural Rights
EU	European Union
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
IFIs	International Financial Institutions
ILO	International Labour Organization
IMF	International Monetary Fund
MEDA	*Mesures d'Ajustement* (Measures of accompaniment)
NAFTA	North America Free Trade Agreement
NGO	Non-Governmental Organization
SAP	Structural Adjustment Program
SR	United Nations Special Rapporteur
TNCs	Transnational Corporations
UN	United Nations
UNDP	United Nations Development Program
WHO	World Health Organization
WTO	World Trade Organization
UDHR	Universal Declaration for Human Rights

Websites

- **FIDH :** http://www.fidh.org
- **UN Office of the High Commissioner for Human Rights:** http://www.unhchr.ch
- **United Nations :** http://www.un.org
- **UNCESCR :** http://www.unhchr.ch/html/menu2/6/cescr.htm
- **Euro-Mediterranean Partnership :** http://europa.eu.int/comm/external_relations/euromed
- **Euro-Mediterranean Human Rights Network (EMHRN):** http://www.euromedrights.net
- **ESCR Net :** http://www.escr-net.org
- **Habitat International Coalition :** http://www.hic-mena.org/home.htm
- **Arab NGO Network for Development :** http://www.annd.org
- **United Nations Development Program :** http://www.undp.org

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Context and challenges

In 2000, close to 2.7 billion people around the world did not have access to water; one child in seven of school-age did not go to school, and approximately 840 million individuals suffered from malnutrition. An estimated 1.3 billion individuals have a daily income of under one dollar. Such marginalization underlines how much the enjoyment of economic and social rights challenges the international community. With globalization - which is synonymous for many to impoverishment, cultural marginalization, increased economic and social exclusion and precarious living -, the guarantee of such rights represents indeed one of the most complex challenges of the new millennium.

The situation of economic and social rights in the southern and eastern Mediterranean countries is alarming. With regards to development, Arab countries have not developed as quickly or as fully as other regions. In all sectors, the Arab world is richer than developed. As a result, despite existing resources, the economic and social rights of people in the region are not respected; most people face poor access to education, water, health care, labour. Women and vulnerable groups suffer discrimination and are particularly affected by this situation.

Major challenges faced by the region are linked to development, to respect for human rights and to peace and security. As recognized in the UN Charter, development and peace are indivisible from the promotion and respect for universal human rights. These human rights are indivisible, be they civil, economic, social, cultural or political.

The FIDH is defending all human rights proclaimed by the Universal Declaration of Human Rights of 1948, be they civil and political or economic, social and cultural. At its world congress in Dakar in 1997, the FIDH launched a specific program aimed at promoting these rights. Very rapidly, it became clear that any action dealing with economic, social and cultural rights was inseparable from the debates on globalization. In 2001, the FIDH dedicated its 34th congress to this theme and decided to put globalization at the top of its agenda for the years to come.

FIDH Program on "Strengthening national human rights NGOs in the Southern and Eastern Mediterranean countries"

Since 2001, the FIDH has been implementing a "Program on strengthening national human rights NGOs in southern and eastern Mediterranean countries" as part of the Euro-Mediterranean partnership framework set out by the Barcelona Declaration adopted in December 1995 by 12 Southern and Eastern Mediterranean countries and the 15 member states of the European Union. Through this Declaration, the signatory States wanted to turn the Mediterranean basin into an area of dialogue, exchange, stability and prosperity. At the post-Barcelona summit meetings they were able to reassert that this objective required stronger democracy and respect for human rights, which meant due respect for the characteristics and individual values of each participating party in the partnership. They also recognised the irreplaceable role of the civil society and promised to help make it stronger. The Amman seminar is the fourth of six regional training seminars to be organised within this 3-year programme. This programme also includes training of human rights defenders from the region on the European Institutions.

The countries of the Euro-Mediterranean area thus engaged in the process of establishing a free-trade area through Euro-Mediterranean Association Agreements that have been signed or are on the way being signed between the EU and each of the Southern states of the partnership. The Amman seminar aimed at examining the dynamics and existing conflicts arising between globalization, triggered by the partnership agreements and social and economic rights in the south and east of the Mediterranean, whose realization is also aimed at by this partnership.

Objectives and Scope of the Seminar

The regional seminar organised by the FIDH in partnership with the Jordan Society for Human Rights (FIDH member organisation in Jordan), Mizan, Sisterhood is Global Institute and the Al-Urdun Al Jadid Research Center took place in Amman, from 17 to 20 October 2003.

It was organized around three observations, which require human rights NGOs to adapt their discourse, methods of actions, and priorities.

First, human rights NGOs - which are traditionally involved in

the struggle for civil and political rights - need to develop expertise in the field of economic, social and cultural rights and work towards better enforcement and "justiciability" of ESC rights.

Second, human rights NGOs whose first task is to address the responsibility of States need to address the responsibility of non-state actors in the violation of human rights, be they intergovernmental organizations (WTO, IMF, World Bank) or private bodies (essentially transnational corporations).

Finally, given the growing power and the de facto impunity of these new actors, the necessity to develop a worldwide counter-power, to challenge the national limits has become clear. Within these social movements, which are essentially ideological, human rights NGOs have been in the sidelines. However it now seems more and more timely and necessary for NGOs to play a growing role.

The Amman seminar aimed at strengthening the influence and capacity of action of human rights NGOs on those issues. It also aimed at strengthening synergies between the FIDH and its member organizations at the national level with the different civil society movements of the region (environmental and development NGOs, trade unions, etc.).

This report recounts discussions and oral contributions made by participants during the seminar. However, for organizational reasons, not all the oral interventions were of the same duration and some were not incorporated in the report in extenso.

It presents some of the challenges faced by the region with regard to ESC rights (Part 1), and the strategies that attempt to meet these challenges (Part 2). The report will conclude with a series of recommendations addressed to governments of the region as well as non-state actors and NGOs, in order to better implement economic and social rights in southern and eastern Mediterranean countries.

PART 1 : CHALLENGES TO ECONOMIC AND SOCIAL RIGHTS IN THE REGION

All human rights enjoy equal status : they form a holistic system within which each set of rights cannot be separated from the other. According to Hani Hourani (See list of participantsin Annex) , there was however historically a tendency to consider civil and political rights as the core of human rights. During the Cold War, it was assumed that a conflict between each set of rights existed, and a simplistic division has been operated, considering that civil and political rights had greater importance in countries belonging to the West. But both kinds of rights have evolved in the East and the West. Thus, history enables to explain the need to create two sets of rights.

During the last ten years, a move was made over all the world to focus on civil society, human rights and democratic institutions. But recent developments, such as the growing pressure of globalization, aggressive liberal economic thoughts, liberalization and the rise of institutions such as the WTO, have contributed to create social movements opposing the negative impacts of globalization. As a result, economic globalization has paradoxically created popular globalization, one of whose concerns is economic, social and cultural rights (ESC rights).

Human rights were developed at the international, regional and national level. Some efforts were also made in the Arab and Islamic world to develop human rights. As underlined by Hani Hourani, some rights are poorly implemented in the Arab region, such as the right to development or the right to a clean environment. Efforts have only started to develop cultural rights, the right to habitat, rights of special groups, and national legislation. In the region, there is a strong need for training. Arab countries also need more experts and mechanisms to follow-up, as well as periodic reporting. They need to create indicators on ESC rights and develop mechanisms such as shadow reports presented at national levels. Three areas should be given prominence by human rights activists: poverty; migration of workers and victims of war; the youth. Moreover, the private sector should be held accountable for its activities through social responsibility.

Within this context, participants raised crucial issues essential to the realization of ESC rights in the region. International conventions are not sufficiently incorporated in national legislation. This raises the issue of the possibility for victims to appeal at national level to their ESC rights. Most of the time, national courts do not authorize such appeals. The realization of ESC rights also raises the major concern of the lack of indicators to assess poverty and the lack of data on ESC rights in most Arab countries. Further, ESC rights cannot be implemented without the establishment of democracy; but tyrannical regimes are extremely well established in the region, and governments are highly corrupt.

The obligations deriving from the International Covenant on Economic, Social and Cultural Rights (ICESCR) raise a political issue: how can developing countries respect their obligation to ensure some minimum rights when rich countries have the obligation to help them in this matter but impose policies preventing them from doing (such as Structural Adjustment Programs)? Finally, it is also very difficult for NGOs to ensure follow-up to international aid given to countries.

I. Assessment of the situation of economic and social rights in the region

In order to consider specific challenges to the region in relation to ESC rights, the seminar focused on the effects of globalization and privatization on the realization of ESC rights in some countries of the region.

A. Globalization and economic and social rights in the region

While globalization[1] has favored the emergence of non-state actors, States have partly lost their capacity to guarantee fundamental human rights. New forms of violations of freedoms have occurred, through the growth of inequality worldwide or the impunity of non-state actors such as multinationals or international financial and trade institutions. The activities, policies and programs of these non-state actors have major impacts on human rights, but their correlative responsibilities under international law are not recognized. The lack of democratic control over these entities may suggest that globalization represents a danger to human rights at the worldwide level.

Joseph Schechla presented the consequences of

1. Globalization has different meanings, but in this report, globalization primarily refers to economic globalization, as driven by the liberalization policies of the financial institutions, the World Trade Organization and by the interests of multinational corporations and the major industrial powers. This definition does not however omit the social, political and cultural roots of the globalization phenomenon.

globalization on economic and social rights in some Arab countries. Considering that globalization is a very old phenomenon, he opposed the notion of three generations of rights because it suggests a hierarchy between rights and it supposes non-justiciability of ESC rights. J. Schechla presented the dialogues between the UN Committee on ESC rights (CESCR) and governments which have presented their reports before the Committee since July 2000 (Morocco, Egypt, Jordan, Sudan, Yemen).

In **Egypt**, globalization has resulted in privatization of lands and more open markets. The present economic reforms and external pressures affecting Egypt have been detrimental to the realization of ESC rights. The persistence of traditional practices and attitudes towards women and children hampers the ability of the Egyptian government to protect and promote their ESC rights. Within this context, the Committee focused on the issues of general poverty and worker's rights. The CESCR was concerned with restrictions on the right to strike, the acute problem of unemployment and the uncertainty of workers' rights. Moreover, one quarter of the Egyptian population is considered to be poor by any criteria according to Egyptian NGOs. The population considered to be poor is generally eligible for food subsidies. However, 29% of this population does not have access to food subsidies, due to various forms of mismanagement and corruption.

The Committee also considered forced evictions carried out in implementation of Egypt's Law 96, which violates the right to housing. Forced evictions in Egypt occur without any compensation or due process. Further, the bad housing conditions Egypt are also the result of investor-driven policies which have led to the disastrous situation of "housing without residents and residents without housing".

The Committee briefly considered health conditions in particular female genital mutilations, which affect most women. The situation regarding HIV virus in Egypt was not sufficiently considered by the Committee since current sanitary conditions could easily lead to a health crisis with regards to HIV in the next years.

According to CESCR, some aspects of structural adjustment programs and economic liberalization policies introduced by the government in consultation with the IMF, have impeded the implementation of the ICESCR's provisions to benefit the most vulnerable groups of Egyptian society. As a consequence, CESCR strongly recommended that the Egyptian government duly take into account its obligations under the Covenant in all aspects of negotiations with international economic institutions, like the IMF, the World Bank and WTO. Negotiations should ensure that ESC rights, particularly of the most vulnerable groups, are not undermined. At the same time, CESCR strongly urged Egypt to seek assistance, including international cooperation, in order to collect the statistics and information needed to elaborate effective strategies to address problems in areas such as unemployment, poverty, housing and forced evictions. J. Schechla underlined the importance of developing indicators to determine a poverty line to measure the efficiency of governmental programs as well as the detrimental effects of economic liberalization policies.

In **Jordan**, the government took new initiatives to encourage the private sector meet social needs. With a view to alleviating poverty and developing infrastructures in the impoverished areas, the government has contracted loans with the World Bank for US$ 140 million. Jordan's debt burden was recorded at the high rate of 146.9% of GNP.

The Committee focused on the systematic infringement of worker's rights, especially dismissals and prosecutions of workers for organizing strikes. Some specific issues regarding globalization were addressed by CESCR, such as some exploitative working conditions. These conditions are reminiscent of a Middle Eastern NAFTA arrangement. For example, some women textile workers working for an Israeli employer have been exploited, because the employer profited from the arrangement to move his factory, without paying them. Finally, CESCR also strongly recommended to the Jordanian government to take into account its obligations under ICESCR in all aspects of its negotiations with the World Bank, the IMF and WTO.

In **Morocco**, the external debt has been considered by CESCR as an impediment to the realization of ESC rights. The Committee also revisited the issue of discrimination in inheritance rights of women, girls and adopted children, since Morocco asserted that the Shari'a governs these matters. The Committee addressed the issue of privatization of the water-delivery utility in several Moroccan cities. The consequences have been dramatic water price rises and, as a result, restricted access to water resources, especially for most deprived Moroccan people.

In the negotiations with the World Bank, the Moroccan government tried to putforth its obligations under ICESCR but had to introduce new tuition fees for primary education, which goes against the right to education. CESCR concluded that the government was unable to use its obligations under

ICESCR to ensure the realization of ESC rights in its negotiations with the World Bank.

Considering that norms regarding ESC rights are now, more than ever, essential instruments of statecraft, Joseph Schechla insisted upon the importance of using the Covenant at national level. For State power and authority to be sustained in the long term, they must indeed be balanced with the respect for, promotion and fulfillment of human rights. The forces of globalization are a challenging part of the political balance for Arab States. Hence, obligations deriving from ESC rights remain an integral part of the tools to achieve such a balance in those States.

According to J. Schechla, the State's ability to address human needs and establish justice within its jurisdiction has always been the principal source of its legitimacy. For this to happen in practice, the State is called upon to insert human rights into national policy at an early stage of its formulation, which is also the occasion for new inter-ministerial coordination, as well as civil society consultation.

At the international level, the CESCR's general comments offer practical guidance on how the State is to go about ensuring the realization of the rights enshrined in the Covenant, including through international assistance and cooperation. A greater challenge persists, however, to bring non-state actors including international financial institutions (IFIs), transnational corporations (TNCs) and others, within the human rights framework. This is still the primary responsibility of States, which must at the same time regulate companies' activities, and ensure and promote respect for human rights under their jurisdiction and towards their nationals.

B. Effects of privatization and structural adjustment programs on ESC rights

Even though each country faces specific challenges and difficulties regarding economic and human rights issues, and although no generalization can be made with regard to the region, three cases were presented, showing the effects of structural adjustment programmes and privatization on the realization of ESC rights.

1. Privatization of public services in Jordan

Considering the effects of privatization, Riyad Subh underlined the three main characteristics of international economic changes: economic centralization accompanied with social scattering; pluralism of the new international order, in which the State is not the only actor; and privatization and economic openness. These economic changes have resulted in a growing gap between developed and developing countries.

In the case of Jordan, the impact of international economic changes is enormous: the country shifted to economic openness and privatization in response to these changes. Although privatization has not been a continuous phenomenon in Jordan during the past ten years, in 2002 privatization concerned several sectors such as cement, telecommunications, investments, transportation, resorts, plane supplies and companies, electricity, customs. Other sectors are to be privatized in the near future, such as the media, railways and administrative institutions. Privatization covers almost all sectors, having a heavy impact on the realization of ESC rights for different reasons. When privatizing, the government has not developed a clear strategy. Revenues from privatization have not been mobilized to achieve sustainable investment development, for instance, some revenue is used to pay back companies. As a result, the social sector gets almost no benefit from the revenue generated by privatization.

Consequently, privatization has had a negative impact on poverty. While privatization creates new employment opportunities, it results at the same time in the creation of procedures aiming at dismissing employees, for example, new measures concerning early retirement. With privatization, the unemployment rate has generally increased. Privatization also affects specific populations such as women, who are often not accepted for employment. With privatization, workers' rights are less and less respected. For example, in the industrial sector, workers are subjected to arbitrary dismissals. Most Jordanian workers see their rights at work regularly denied. Privatization has also resulted in growing social gaps, since it impacts wages and income levels.

As underlined by Riyad Subh, with privatization, the middle class has diminished a lot, and absolute poverty has increased during the last ten years. Jordanian students have to pay higher fees, and the competition between private and public schools has increased. Similarly, private hospitals have become far better than public hospitals whose services are deteriorating. These effects have affected public freedoms. Jordan has experienced deterioration in public freedoms during privatization: elections were postponed, demonstrations were prevented, public security has been extended, social movements have been limited.

As a result, with economic openness and privatization, an opposite relation has taken place: economic openness has resulted in the reduction of political openness. Structural imbalances were not considered during privatization because privatization ignored social development.

2. Effects of Structural Adjustment Programs (SAPs) on public health services in Algeria

Ahmed Dahmani discussed the effects of privatization and Structural Adjustment Programmes (SAPs) on public health services in Algeria.

Two SAPs were carried out in Algeria: the first one in 1988 by the government, the second one in 1994, in consultation with the IMF. This second SAP was a classical financial and macro-economic stabilisation programme, and like all other SAPs imposed by the IMF, it did not take into account the characteristics of the country. This SAP imposed the liberalization of prices and of foreign trade, thus implying privatization. The macro-economic results were rather positive, with the restoring of financial and macro-economic balances and the rise in foreign exchange currencies. However, the global economic situation did not improve: economic growth is still weak (dependent on oil), foreign investments are still limited, and the country faces the flight of capitals. The overall social situation has enormously deteriorated, with a drop in living conditions, high unemployment, and a disastrous housing situation.

More specifically, the impact of SAPs on public health services was extremely detrimental. Algeria has ratified ICESCR and has integrated the right to health in its Constitution. Between 1962 and 1990, the health system improved a lot, offering free preventive and curative medical cares, vaccination campaigns and policies aimed at reducing regional disparities. All these improvements were endangered by SAPs. The health system has been one of the first victims of SAPs. SAPs entailed reductions in public spending, the higher for medicines and the privatization of medical care without any regulations. For instance, resources allocated to healthcare services, in relation to GDP, was divided by three within 15 years.

This situation has caused serious problems with health structures and a shortage of medicines. SAPs entailed the development of private clinics. Foreign trade liberalization, especially of medical products, has led to a sharp reduction in essential medicines and a rise in prices. Following SAPs, the State has in fact given up health protection and guaranteed medical care. The development of the private sector has created a double-standard in the healthcare system, which increases inequalities between poor and rich people. SAPs have led to the deterioration of medical services, the decline of prevention programmes, the lack of continuity of medical care, in addition to degrading living and housing conditions. All these factors have led, for instance, to the reappearance of diseases that were in principle eliminated from the globe: reappearance of the plague has been reported in an Algerian village in the year 2003.

3. Privatization of public services in Egypt

Considering the effects of privatization in Egypt, Khaled ElMahallawi underlined the role of the State. Egypt faces an economic crisis, owing to the devaluation of the national currency, but also because the United States refused to supply Egypt with wheat. Moreover, corruption is prevailing at all levels of the administration but the government does not act to eliminate it. On the other hand, the crisis stimulated new behaviour such as the dawning of a social movement and a hesitant step towards democracy.

Privatization was imposed by the State when it withdrew from public services by eliminating subventions. For instance, the State has applied the law regarding fertile lands (1992) in a tyrannical manner, making farmers move off the lands they were rentingand look for jobs in industrial cities, where working conditions are unacceptable. No controls are made in the factories and most of the time no contract are established with the worker. Sometimes the worker has to give a blank cheque to have the authorization to work: he can then be threatened with prison if he wants to leave the factory or change jobs. Union rights do not exist, except for the State - controlled General Union of Egypt's Workers.

Khaled ElMahallawi deeply deplored the entry into force of the new Labour Code (in July 2003), which jeopardized all workers' rights, including their wages. In fact, this Code enables employers to pay workers in kind instead of money. According to this Code, the right to strike is subjected to numerous conditions, and the Code imposes countless restrictions on the work of women, children, and on indemnities, etc.

Privatization in Egypt concerns almost all aspects of society. Privatization has entailed the elimination of subsidies, thus affecting transportation. Similarly, privatization has affected the sectors such as telecommunication, electricity, landfills, health insurance, medicines, etc. Further, new laws have

developed a double-standard society: for instance, some legal tenure cannot be renewed. The crisis is expanding but the State does not fulfill its role regarding ESC rights. On the contrary, it contributes to the aggravation of the situation: for example, the government uses pension funds to pay back the domestic debt.

The participants underlined the pressure of Western countries on developing countries and the gap existing between Arab countries' governments and people. It is only under the pressure of western governments that the governmental elite will grant freedoms to their populations. The participants also underlined the dangers of privatisation when privatisation aims at contributing to paying the public debt service. The participants insisted on the difficulty to act against the lack of transparency in the decision-making process. The privatization process is not transparent and not equitable, and generally involved abuse of power.

II. Regional context

The seminar focused on the obstacles to the realization of ESC rights in the region, such as the deficits in human development which were identified by the United Nations Development Programme. But these obstacles also relate to the persistence of conflicts in the region and to specific problems with enforcing ESC rights.

A. Obstacles to the realization of economic and social rights in the region

1. The Findings of the UNDP Arab human development report

Maen Nsour presented the findings of the first UNDP Arab Human Development Report (2002). According to this report, the Arab region possesses a tremendous development potential. However, this potential is stifled. Indeed, Arab countries have not developed as quickly or as fully as other regions. In all sectors, the Arab world is "richer than developed", since it does better on income indicators than on development indicators.

The report focused on basic indicators conditioning the state of human development in Arab countries, such as population size, health, habitat and the physical environment in which people live. Concerning health, some common areas for improvement stand out: infant, child and maternal mortality, management of healthcare, including behavioural factors that damage health; and access to care for the poor. Regarding education, Arab countries have made great strides but they are facing a crisis in education quality and efficiency, which will contribute to isolating from global knowledge, information and technology. The main challenge is that of providing good education at the right cost. Concerning land and water, the Arab world as a whole suffers from increasingly severe water and arable land scarcity. This is being exacerbated by environmental degradation, and desertification; rapid urbanization which creates air pollution, and the location of cities on coastal areas. The Arab world is considered as one of the most water-stressed regions in the world; it suffers from an increasing scarcity of usable water resources. Moreover, no country in the region has an effective water-demand management system and economic instruments to rationalize the use of water.

According to the report, the current critical situation has its roots in three main deficits common to Arab countries regarding development: the deficit in freedom, the deficit in women's empowerment and the deficit in knowledge.

A major challenge to development is the lack of democratic governments or "freedom deficit". Out of the seven regions of the world, Arab countries had the lowest freedom score in the late 90s. The freedom score covers civil and political rights. Even when civil rights are enshrined in constitutions and laws, they are often ignored in practice. Women remain severely marginalized in Arab political systems and broadly discriminated against in both laws and custom.

The second deficit common to the region is linked to the status of women, which represents a major issue for Arab countries. Arab countries clearly suffer a glaring deficit in women's empowerment. Gender inequality is a main feature of Arab societies, even though there has been important improvement with respect to building up women's capabilities. Political, economic and social participation of women remains the lowest in the Arab world in quantitative terms. Women suffer discrimination in all aspects of their lives and in particular in their economic, political and social lives.

Finally, Arab countries face a significant knowledge gap. Besides the literacy problem and deficiency in the education system, weak investment in scientific research and development and poor access to information and computer technology (ICT) impede proper development. Despite a common written language, the region lacks a real dynamic to spread information and culture. Further, Arab access to and use of cutting edge technologies, exemplified by information and communication, is very limited.

Despite the huge disparities that exist between and within countries of the region, those three deficits are common to all countries. Also, the empowerment of women must be addressed throughout.

On the basis of this analysis, the report formulates recommendations to States of the region. Policies for development in the Arab region must focus on freeing people from deprivation, in all its forms, and expanding their choices. Challenges also relate to increasing freedom, gender equality, knowledge acquisition and environmental choice. Strategies towards development include focusing on increasing freedoms and participation, improving women's capabilities, enhancing knowledge, and making environmental choices. Such strategies imply the need to take measures to reform education and improve the impact of education, improve healthcare, social infrastructures, research and development programs, etc.

Further, this report has raised a major problem in the region : the lack of data, especially in the field of freedom and governance, because some countries do not authorize investigations in such fields.

According to several participants, this first report is extremely important because it makes it possible to tackle issues which are generally considered taboo by governments. However the data contained in the report are not identical for all countries of the region. This report has a weakness: it does not take into account indicators such as income, income distribution or the use of natural resources.

As Maen Nsour mentioned, the second report on human development in Arab countries took into account some of the weaknesses of the first report, and used different tools and instruments.

The second UNDP Arab Human Development Report (2003)

This second Report continues the process of addressing the most important development challenges to the region. The report surveys some of the most salient trends and events at the global, regional and national levels that influenced the process of human development in the Arab world in 2002-2003. It also examines one of the three critical development challenges to the region: the growing knowledge gap in Arab countries.

A knowledge-based society is one where knowledge diffusion, production and application become the organising principle in all aspects of human activity: culture, society, the economy, politics, and private life.

The two main components of the knowledge acquisition system are diffusion and production. Key knowledge dissemination processes in Arab countries, (socialisation and upbringing, education, the media and translation), face deep-seated social, institutional, economic and political impediments. Regarding Arab education, the most important challenge is its declining quality. High rates of illiteracy among women persist, and many children still do not have access to basic education. Higher education is characterized by decreasing enrolment, and public spending on education has actually declined since 1985.

Regarding knowledge diffusion, in most Arab countries, the media operate in an environment that sharply restricts freedom of the press and freedom of expression and opinion. The last two years, however, have known some improvements in the Arab information environment, brought about by dawning competition. For instance, more independent-minded newspapers have appeared. However, the translation movement in the Arab world remains static and chaotic.

Data show stagnation in certain areas of knowledge production, especially in the field of scientific research. In addition to thin production, scientific research in Arab countries is held back by weak basic research and the almost total absence of advanced research in fields such as information technology and molecular biology. It also suffers from miserly research and development expenditure, poor institutional support and a political and social context inimical to the development and promotion of science. Arab literary production is in contrast strong although it faces numerous challenges including censorship.

Arab countries' experiments with the transfer and adoption of technology have neither achieved the desired technological advancement nor yielded attractive returns on investments. Importing technology has not led to its adoption and internalisation in the host country, let alone to its diffusion and production. The two biggest gaps accounting for this failure have been the absence of effective innovation and knowledge production systems in Arab countries, and the lack of rational policies in this regard. These problems have been aggravated by the absence of investment in the local production of knowledge.

The knowledge system is influenced by societal, cultural, economic and political determinants. Among the most important of these determinants is culture. Language and religion are essential features of culture. However the Arabic language is facing severe challenges. In contrast with its richness and its openness, Arabic culture, like other cultures, finds itself facing the challenges of an emerging global cultural homogeneity. The essence of Arabic culture indicates that it is capable to support the creation of a knowledge society.

Unlike the case of Arab culture, the analysis of Arab social and economic structures reveals ingrained obstacles to knowledge acquisition in the Arab world. Regarding economic structures, one of the main features of the production pattern prevailing in Arab countries, which influences knowledge acquisition, is a high dependence on the depletion of raw materials, chiefly oil, and reliance on external rents. Lack of competition reduces productivity and therefore demand for knowledge in economic activity. Demand for knowledge has been weakened not only by faltering economic growth and productivity in Arab countries but also by the over-concentration of wealth in a few hands.

In Arab countries, the distribution of power, which sometimes coincided with the distribution of wealth, has had an effect on the morals of societies and individuals, leading to a lack of social incentives to build a knowledge society. Arab citizens are increasingly pushed away from effecting changes in their countries. A centrifugal economic, social and political environment in the region, led to an Arab braindrain, the emigration of qualified Arabs. Only by overcoming those political, economic and social obstacles through reforms can a knowledge society be developed. Constitutions, laws and administrative procedures need to be refined to remove all restrictions on essential freedoms.

2. Other obstacles to the realization of ESC rights

Khaled El Mahallawi discussed the main obstacles to the realization of ESC rights. First, the international economy and politics have had a considerable impact on developing countries. In this sense, every requirement for developing countries to improve ESC rights must be accompanied with international campaigns aiming at a more equitable economy. Further, human rights activists are usually hampered by pre-established programs and constraints due to lack of financing. Donors almost always ask activists to focus on civil and political rights. Moreover, a major obstacle to the realization of ESC rights comes from the pressures from the States of the region to prevent the collect (?) of information related to ESC rights violations. It is also crucial to train activists in the field of ESC rights e.g, there are very few experts in the field of insurance or social security.

In Egypt, different strategies have been used on ESC rights, in particular on the lodging of complaints with the courts. Complaints have concerned for example working conditions, violations of trade unions' freedoms or discriminations against women in the law regarding the right to receive a pension. It is hence possible to preventively evaluate the constitutionality of laws, or to identify concrete violations of laws when interviewing workers, etc. Similarly, claims can be presented to deputies who sometimes accept to elaborate a report. It is also important to prepare information brochures on rights and to disseminate them.

It is fundamental to use judicial means even though judgements will not always be executed. Finally, Khaled El Mahallawi underlined the importance of establishing networks with civil society in order to realize ESC rights, especially in countries subjected to tyrannical regimes, because the amendment of legislation needs a huge effort in coordination with social partners.

Samer Khraino underlined some obstacles to the realization of ESC rights. He stressed in particular the problem of supervising the application of these norms, given the absence of specific indicators on ESC rights, and a lack of protestation from victims of violations of ESC rights, especially when a whole social group is affected by these violations. Similarly, the application of ICESCR raises concerns regarding reservations made by States when ratifying the Covenant. These reservations void the content of the Covenant and constitute an obstacle to the realization of the rights enshrined in it.

According to Suleiman Sweiss, the Israeli occupation constitutes a major obstacle to the realization and the development of ESC rights in the region. The occupation of Palestinian territory has resulted in a shortage of food products and healthcare, and has hampered the provision of public services such as water, electricity, and education. Israel has refused to repair these units which were destroyed.

Several participants underlined that the Israeli occupation constitutes a fundamental obstacle to the realization of ESC rights in the region.

B. Challenges to the Euro-Mediterranean Partnership

The Euro-Mediterranean Partnership (EMP), established in 1995, consists in a multilateral regional framework comprising a multilateral agreement based on the Barcelona Declaration and bilateral agreements (Euro-Mediterranean association agreements, combined with free-trade agreements among the Mediterranean partners) as well as an assistance programme (MEDA) to help countries to progress on the way towards the Barcelona objective. Hence, the fifteen EU members have entered into partnership with 12 Mediterranean countries: Algeria, Cyprus, Egypt, Gaza/West Bank, Israel, Jordan, Lebanon, Malta, Morocco, Syria, Tunisia, Turkey. Only Syria has still not signed any individual partnership agreement under the EMP.

The Partnership is articulated around three main dimensions or "baskets". The **political and security dimension** has the overall aim to establish an area of peace and stability based on political dialogue leading ultimately to the adoption of a Charter for Peace and Stability. The dialogue should be based, in particular, on respect for fundamental principles, including respect for human rights and democracy. It also encompasses security concerns, aiming at reinforcing cooperation through measures to fight terrorism. The second dimension of the Partnership is the **economic and financial dimension**. Its aim is to create an area of shared prosperity through sustainable and balanced economic and social development, and especially the gradual establishment of free trade between the EU and its partners and among the partners themselves. This process should be accompanied by substantial EU financial support to help partners deal with economic transition and the resulting social, economic and environmental challenges.

The third dimension of the Partnership is based upon the

social and cultural dimension, whose aim is to provide closer relations and mutual understanding between peoples and the development of an active civil society.

In the Barcelona Declaration, the parties undertake to act in accordance with the United Nations Charter and the Universal Declaration for Human Rights, as well as other obligations under international law.' They committed themselves to respect human rights and fundamental freedoms and to guarantee these freedoms without any discrimination on grounds of race, nationality, language, religion or sex. The supposed goals of these commitments is to turn the Mediterranean region into an area of peace, stability and prosperity, based on strengthened democracy, respect for human rights, sustainable and balanced economic and social development, poverty reduction, and the promotion of greater inter cultural understanding.

The MEDA[2] Program is the main vehicle for the delivery of aid provided in return for carrying out agreed economic, fiscal and socio-economic policy reforms. Partner countries receive significant amounts of aid which amount to double the aid given prior to 1995. Between 1995 and 1999, measures financed under MEDA accounted for 76% of total EU aid in the region, the vast majority of which being bilateral. The principle aim of the MEDA program is to support free-trade policy reform measures that Mediterranean countries and territories will undertake to overhance their economic and social structures. One of the key aims of MEDA is thus to alleviate the negative social, economic or environmental consequences, which may result from the adjustment for the neediest populations in particular.

The Barcelona Declaration sees human rights promotion and protection as an important vehicle for guaranteeing political stability and security. The Declaration refers to various human rights and reiterates the importance of democratic institutions, civil society and the rule of law. In the texts, respect for human rights has been adopted as one of the EMP's core principles. Moreover, each Individual Association Agreement contains a standard Article 2 human rights clause, stating that respect for human rights and democratic principles is an essential element of the Agreement. However, no specific program was created to support human rights projects, and no specific provision was made to incorporate human rights into the objectives of the Partner Country Programs. Therefore, what are the real human rights implications of the EMP and the MEDA program?

1. Human rights implications of the Euro-Mediterranean Partnership

Considering the human rights implications of the partnership, Nasser Kamel underlined the specificity of the region, where human rights are hampered and basic reference norms of protection are insufficient. He deplored that eight years after the establishment of the Partnership, the human rights situation had deteriorated in most Partner countries, in particular following the events of September 11.

Nasser Kamel underlined that there is no mandatory and transparent periodic review of the state of respect for human rights in the Partner countries, and there is no provision for the suspension of agreements should a Partner Country persist in violations of a serious and systematic character. Furthermore, despite the EMP's commitments to human rights, women's rights issues have received little attention in the Partner countries. Therefore, human rights have mainly been perceived as tools for good governance, helping to maintain social cohesion and political stability. Indeed, in all EU strategy documents with regard to the Partnership, human rights are not considered as a main objective but are rather seen as an accompanying objective to serve other objectives.

The European Community has not established clear human rights objectives and benchmarks for its Mediterranean Partners. The Community does not assess the human rights implications of the objectives set out in regional and country strategies. Nasser Kamel deplores that strategic reports and reports elaborated by UN bodies are too general and do not reflect the problems of the region. Moreover, a major problem with regard to the Partnership Agreements is the absence of a supervisory mechanism. The Community does not have a transparent and effective mechanism to monitor and evaluate Partner Country Performance with respect to their general obligation to maintain respect for human rights under the Association Agreements.

Regarding MEDA, only a few specific human rights programs have been created to support human rights projects. The objective of promoting respect for human rights is not coherently and consistently incorporated in the strategy documents of the MEDA program, nor in other EU strategy documents towards its partners. With regard to structural adjustment programs, under MEDA no provision currently exists which would give the Community the right to suspend its budgetary support to States which seriously violates human rights. Furthermore, no provision is made to systematically

2. The term "MEDA" refers to "Mesures d'accompagnement", meaning Measures of Accompaniment.

assess the impact of MEDA programs on human rights.

Within this context, Nasser Kamel recommended the establishment of cooperation between different parties to the Partnership and within societies in order to fully realize the aims of the Partnership with regard to human rights, and to contribute to preventing conflicts in the region. Consultation with civil society should be systematised.

In conclusion, there is an important need to consistently and comprehensively mainstream human rights through the programming process. This implies the need for concerted efforts, with an active role for NGOs, in particular in ensuring that the Partnership develops mechanisms to provide the necessary political support to partner countries. Recent developments within the European Community should give rise to the incorporation of human rights conditionalities in most of the financing instruments for the region. The Communications of the European Commission of 11 March 2003 on "Wider Europe - Neighbourhood: A New Framework for Relations with our Eastern and Southern Neighbours" {COM (2003) 104 final} and the communication of 21 May 2003 on "Reinvigorating EU actions on Human Rights and democratisation with Mediterranean partners" might enable greater consideration for human rights issues in the policies of the EU in the region. Although some progress has been made, the link between these communications and the policy of the EU has to be strengthened.

2. Strategies for the renewal of the Partnership

Ahmad Dahmani discussed different strategies for the renewal of the Partnership because the partnership raises numerous problems, in particular with regard to respect for human rights and ESC rights in the region, and its efficiency.

The economic results of the partnership are globally negative. It did not boost a process of growth and development, and gaps in income between the EU and its partner countries have increased. The Partnership did not result in any trade diversification, and trade remains essentially based on primary products. Trade is very unbalanced: 5% of EU trade with Mediterranean partners whereas 2/3rds of these partners' trade with the EU. Financial commitments of the MEDA program are still weak.

According to Ahmad Dahmani, responsibilities accounting for these failures are shared. On the one hand, the EU created a double-standard free trade area with trade being unilateral. For example, the EU imposes the agriculture exception on partner countries and closes its borders to their agriculture products. On the other hand, Partner countries did not set up mechanisms to attract foreign investments. In fact, opaque administrations and anti-competitive practices are still in place. Moreover, structural reforms that should have been established have been diverted or delayed in order to maintain current economic and social systems. Finally, there is no integration process in the region.

A. Dahmani suggested different means to restructure the Partnership. At the economic level, it is essential to base the partnership on products and not on trade anymore. It is also essential to encourage European companies to delocalise. Moreover, no common Mediterranean project is currently being envisaged. At social and cultural levels, it is fundamental to take into account demographic differences and to consider the immigration issue as a partnership issue and not as a security problem anymore.

The Partnership is crucial to southern and eastern Mediterranean countries, because there is no solution for these countries outside the Partnership. Therefore, the political will to enforce the whole Partnership must be reinforced. With the EU enlargement to the east, it may give less importance to Mediterranean Partners. Moreover, EU economic interests in the region are very limited. However, security concerns have always been important to the EU, but problems deriving from the Partnership arise from the fact that the Partnership is based only on security concerns. It is thus mereasingly urgent to restructure the Partnership.

To conclude, several participants emphasized the lack of political will of Arab States to develop appropriate policies allowing to benefit from the Partnership. This lack of interest on behalf of Arab governments constitutes an opportunity that civil society should seize. Furthermore, structures within Arab countries are insufficient to enable countries to overcome their dependence on occidental countries. Moreover, NGOs in the Southern and Eastern Mediterranean do not have sufficient detailed knowledge of the EMP agreements. Consequently, it is fundamental that NGOs in Arab countries create links with European NGOs.

III. Problems specific to the region

After having identified the main obstacles to the realization of ESC rights in the region, the workshops of the seminar focused on the situation of three crucial rights in the region: the right to water, the right to housing and women's rights.

A. The right to water

Christophe Golay presented the obligations deriving from the right to water. He underlined that during the 20th century, world water consumption had increased tenfold, resulting in the current fresh water crisis. In 2000, close to 2.7 billion individuals do not have access to water. Fresh water is mostly available in lakes, the groundwater tables, and rivers. The water crisis is due to different factors : increased world water consumption, poor distribution of water over the globe, twelve countries control three-quarters of the flows whereas about ten small territories located in very dry or desert regions have less than one km3 of water per year. This is the case of Cyprus, Libya and Jordan. Regions that are most severely affected by this water shortage are northern Africa and the Arabian Peninsula. Most of these countries possess less than 1'000 m3 per year and per resident. This is considered as a shortage threshold. The Arab world, which gathers more than 4% of the world population, benefits only from 0.7% of the world's water resources. Finally, the current crisis is also due to the fact that available water is often very polluted, water is not adequately managed; this produces huge discrimination against the poorest groups in all the continents.

All these factors are causing the current water crisis. However, in all regions and in all countries, everybody could have access to water if public policies were adequate. It should be mentioned that the State, through its municipalities, is the main distributor of water in the world: 100% of the distribution in Africa is State-owned, 93% in Asia, 92% in Latin America and the Caribbean, 55% in North America, 90% in Oceania and 90% in Europe.

At the international level, the right to water is not explicitly recognized in the UDHR or the ICESCR. In 1977, the UN Conference on Water recognized the principle that all peoples have the right of access to drinking water, of which the quantity and the quality must meet their essential needs. The right to water is explicitly recognized in the Convention on the Elimination of All Forms of Discriminations Against Women (1979) and in the Convention on the Rights of the Child (1990). In November 2002, CESCR elaborated General Comment 15 on the right to drinking water, based on a new interpretation of articles 11 and 12 of ICESCR (recognizing respectively the right to adequate living conditions, including food, clothes and housing, and the right to healthcare).

With General Comment 15, the right to water became really "usable" at international and national levels. Within the limits of their capacities, human rights protection mechanisms which cover the right to water - such as CESCR, UN Special Rapporteurs on the right to health, on the right to housing and on the right to food - can be "used" when this right is violated. In particular, local and national NGOs can use this general comment to require its respect by States, at both the international level (through the submission of alternative reports, the follow-up of CESCR recommendations, and co-operation with Special Rapporteurs) and the national level, to influence public policies and get reparation for the violation of the right to water.

C. Golay explained the obligations contained in General Comment 15. According to CESCR, the human right to water entitles everyone to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses. The right to water does not include the use of water for irrigation.

The right to water contains the following essential elements, the precise application of which will depend on the conditions prevailing in particular States: availability (according to WHO, about 50 litres per individual per day), acceptable quality meaning that it does not endanger one's life, accessibility, including physical, economic and information accessibility and a price affordable even for the poorest.

States have the obligation to respect, protect and give effect to the right to water, without discrimination of any kind. According to ICESCR, State parties have the obligation to act to the extent of available resources to progressively ensure the full realization of the right to water by all appropriate means, including legislative measures.

The "obligation to respect" means that State Parties must refrain from impeding access to water, e.g, a municipality shall not stop water service, or distribute polluted water, or raise water prices in a disproportionate or discriminatory way. In Niger, for instance, the right to water of Tibiri children was not respected, as reported by the Special Rapporteur on the right to food in 2001, and by a FIDH investigation mission in 2002.

The "obligation to protect" means that States must prevent third individuals or entities from impeding access to water. States must prevent industries or farmers from polluting sources of drinking water and water distribution companies from raising the price of water so that it no longer is affordable to the poorest people. The example of the violation of the right to water in the town of Cochabamba in Bolivia has become famous. With privatization, the price of water doubled in

1999. Following demonstrations, the State decide to re-control the water supply. In this case, the State had seriously failed to protect the right to water.

Finally, States have the obligation to give effect to the right to water of those who don't have access to water. This obligation can be divided into three distinct obligations : to facilitate, to promote and to ensure. The obligation to facilitate requires States to take positive measures to enable all individuals to have direct access to good quality, by installing water distribution and purification systems. The best way to achieve this objective is to adopt appropriate national strategies for water-demand management.

The "obligation to promote" requires States to launch actions to ensure the dissemination of adequate information on the safe use of water, the protection of water sources and methods to minimise waste.

The "obligation to ensure" requires States to ensure access to water for individuals who have no means to access it by themselves in the short or the mediumterm future. The State therefore has the obligation to distribute free water, by tank-trucks or other means.

According to CESCR, the right to water also entails extra-territorial obligations for States: the obligation to respect, protect and realize the right to water of individuals who do not live under their jurisdiction, a right that applies for example during the imposition of embargoes or when States adopt policies through IFIs or WTO. This obligation also implies respect for the law on international rivers.

It also means that States must regulate the activities of transnational corporations under their jurisdiction, as well as helping individuals not under their jurisdiction to realize their right to water, through public aid to development, technical co-operation, and policies within international organizations.

Finally, C. Golay underlined that the right to water, like all ESC rights, is justiciable. This means that the obligations to respect, protect and realize the right to water at national level are justiciable, as evidenced by the South-African jurisprudence. The justiciability of the right to water has been recognized at the European level in a recommendation to the Council of Europe (2000) and through the revision of the European Charter on water of 1968. The recognition and the justiciability of the right to water have also been recognized in several States, in national Constitutions and legislation, and in the jurisprudence of numerous constitutional courts.

To conclude, in order to realize the right to water, it is essential to use all existing protection mechanisms, e.g UN experts committees, where it is possible to submit alternative reports, the filling of individual claims or claims in the name of individuals on the violation of the right to water to CEDAW, and UN Special Rapporteurs such as the Special Rapporteurs on the right to food, housing or the right to healtcare. The mandate of the Special Rapporteur on the right to food was extended in 2001 to cover drinking water as an essential aspect of the right to food.

Finally, it is fundamental to denounce and to lodge complaints with local and national jurisdictions and at administrative levels whenever possible, requiring respect of the right to water by the legislative and executive authorities.

The cooperation of all the components of civil society is essential in these activities. C. Golay underlined the importance of developing a new type of mechanism by civil society: the mechanism of national Special Rapporteurs for the protection of all human rights including ESC rights, such as the six Brazilian national Rapporteurs.

Some participants underlined the importance of urbanization in the region, which aggravates the effects of the water crisis. The phenomenon of drift from the land raises a major concern, because it can increase water consumption tenfold. Regarding this, C. Golay suggests to try stopping drift from the land by enhancing the value of rural life, but this involves the reorganization of society. The participants emphasized the link between water and conflicts in the region, since water will be at the heart of future conflicts. Further, the region faces numerous problems in relation to the means to develop water resources and to improve resource management . The link between water issues and electricity has also been raised. For example in Algeria, the biggest well is located in the desert, but the country does not possess the necessary infrastructures to draw water.

C. Golay presented some positive examples of the use of rain. In Brazil, the programme "one million tanks" gathers rain during four months to distribute it to families during the other eight months of drought. In Bangladesh, NGOs have pressured government to test wells that contained poisoned water. and were able to propose alternative solutions to the distribution of this poisoned water, such as gathering rainwater.

According to participants, water privatization is the cause of numerous problems. It is hence essential to use the right to

water in tribunals, by evidencing how that privatization implies violations of the right to water. C. Golay underlined however that in several cases, water-management and purification systems were privatized, but not water as a resource. In conclusion, C. Golay underlined that in several continents, 80 to 90% of water is distributed by States. In Mediterranean countries, 96% of the urban population and 70% of the rural population have access to drinking water. The State, thus, effectively realizes this service to the population. One must however keep in mind that TNCs do not speak well of State water management systems. This discourse is used to show that the State and municipalities do not effectively render water services.

B. The right to housing

J. Schechla presented the obligations deriving from the right to housing. These obligations are explained in CESCR General Comments no 4 (the right to adequate housing) and no 7 (forced evictions).

Adequate housing is essential for normal healthy living. Despite global recognition of the importance of housing to human welfare and survival, it is estimated that over one billion people live in inadequate housing while over 100 million people are homeless.

The right to housing is enshrined in the UDHR (art. 25. 1) and in several human rights treaties: ICESCR (art. 11.1), the Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of Discrimination Against Women, the Convention on the Rights of the Child, the Convention on the Suppression of the Crime of Apartheid and the Convention on the Status of Refugees. The right to adequate housing is also enunciated in several regional human rights conventions as well as in numerous declarations, resolutions and recommendations of the UN and of its specialized bodies. At the national level, several constitutions and municipal laws now embody the right to adequate housing. Under most constitutions, however, housing is classified under state policy and not as part of a bill of rights. Therefore they are said to be aspirational and non-justiciable.

As underlined by J. Schechla, the right to housing should not be interpreted in a restrictive sense. It should rather be seen as the right to live somewhere in security, peace and dignity, the concept of adequacy being particularly significant in relation to this right. The right to housing should be guaranteed to every individual regardless of level of income or access to economic resources.

General Comment 4 advises that there exists a minimum core obligation to ensure the satisfaction of, at the very least, minimum essential levels of adequate housing incumbent upon every State and that this should be secured through individual state efforts and international co-operation. The obligations of States regarding the right to housing are of three different types. The State must undertake to endeavour by all appropriate means to ensure that everyone has access to affordable and acceptable housing. The State must undertake a series of measures which indicate political and legislative recognition of each of the constituent aspects of the right to housing. The State must protect and improve houses and neighbourhoods rather than damage or destroy them. The right to housing, as all other rights enshrined in ICESCR, has to be realized without discrimination of any form.

Within this context, the realization of the right to housing must take into account the legal security of tenure; availability of services, materials, facilities and infrastructure; affordability; habitability; accessibility; location; and cultural adequacy.

Regardless of the state of development of any given nation, certain immediate steps should be taken to promote the right to housing, the most important of which would require governement abstention from certain negative housing practices. This abstention should be coupled with a commitment to facilitate self-help measures for social groups living in the most unfavourable conditions. The State should also immediately take steps to ascertain the full extent of homelessness and inadequate housing within its jurisdiction. Within this context, it is fundamental to give priority to social groups living in unfavourable conditions.

These actions will almost invariably require the adoption of national housing strategies which define the objectives for the development of shelter conditions and identify related resources as well as the most cost-effective way of using them and set out the responsibilities and time-frame for the implementation of necessary measures.

According to CESCR, there are several strategies, legal and non-legal, to ensure the realization of the right to adequate housing. At the legal level, housing rights should be determinate and justiciable. Domestic legal systems can play a role in safeguarding the right to housing. It is possible to proceed to legal appeals aimed at preventing planned evictions or demolitions through the issuance of court-ordered injunctions. Legal procedures can be used to seek compensation following an illegal eviction. It is also possible to lodge complaints against illegal actions carried out or

supported by landlords with regard to rent levels dwelling maintenance, and racial or other forms of discrimination. Allegations can be formulated concerning any form of discrimination in the allocation and availability of access to housing. Complaints can be lodged against landlords for unhealthy or inadequate housing conditions.

Moreover, cases can be filed using derivative claims. For instance, the right to housing can be implied from express guarantees of other rights, such as the right to life, privacy of the home, and family life; rights that are generally recognized as basic civil a political rights.

Non-legal strategies should be combined with legal strategies. Effective guarantees of housing rights require consultation, dialogue, negotiation and compromise. Activists should therefore acquire relevant skills for building consensus around issues relating to the right to housing. Other strategies may include research, education, monitoring, mobilization, participation, negociation, constituency building, intersectoral collaboration, development of model national housing plans, and budget analysis.

C. Women's rights

Women's rights raise major concerns in southern and eastern Mediterranean countries, since one of the three main deficits that hinder development in the Arab world is the status of women[3]. With globalization, "... the gap between the rich countries of the north Mediterranean and their southern neighbors is growing even wider, further exacerbating pre-existing tensions and conflicts in the region (...). Due to the widespread discrimination and violence against them, women are the first to be negatively affected by the disregard of human rights, the lack of democracy and underdevelopment in the region"[4]. In order to achieve peace and security in the region, it should also be mentioned that there can be no democracy without the full and equal participation of women, and no human rights without women's rights[5].

Globalization has had a profound impact on the lives of women, partly owing to structural adjustment programs and to new forms of industrialization and agriculture that are more exploitative of both human and natural resources. In addition, as poor people become poorer, women become the poorest of them all: the "feminization" of poverty is a reality.

Article 3 of ICESCR ensures the equal right of men and women to the enjoyment of all ESC rights set forth in the Covenant. However, in various areas, women fare worse than men in accessing as well as enjoying ESC entitlements. These areas include literacy, higher education, employment and health.

Women's rights and ESC rights are entirely linked, since violence against women is most of the time the result of violation of women's ESC rights. As the UN Special Rapporteur on Violence Against Women noted: "Violence against women, in particular, has inhibited women as a group from enjoying the full benefits of human rights. Women have been vulnerable to acts of violence in the family, in the community and by States (...) Among the historical power relations responsible for violence against women are the economic and social forces which exploit female labour and the female body. (...) Denying women economic power and economic independence is a major cause of violence against women because it prolongs their vulnerability and dependence."[6]

According to Soraida Hussein, some essential aspects should be taken into account when dealing with women's ESC rights. These essential aspects indeed form the conceptual framework which affect and relate to women's ESC rights. It is also important to consider the developmental indicators which are used to measure women's rights. In fact, gender gaps in statistics and/or in indicators constitute violations of women's ESC rights. Similarly, budgets should be analyzed from a feminist perspective. Within this context, the right to self-determination is also vital for women to exercise their rights. This is true at the personal level as well as at the community level.

Within this framework, women should not be categorized by a generalistic approach, as if they formed a single category. Indeed, women have their own backgrounds, experiences, skills, etc. This is very important to keep in mind when we assess the way culture, religion and customs interfere with women's rights. In addition, political contexts are essential elements affecting women's rights, especially when non-sate actors have the capacity to strongly influence them.

3. According to the UNDP Arab Human Development Report, 2002.
4. The integration of women's rights into the Euro-Mediterranean partnership, a report by Rabéa Naciri and Isis Nusair, May 2003, Euro-Mediterranean Human Rights Network, www.euromedrights.net, p. 14.
5. As stated during the Beijing Conference on Women's Rights (1995) and confirmed in the Beijing +5 Conference (New York, 2000).
6. Preliminary Report by the UN Special Rapporteur on Violence Against Women, UN Doc. E/CN.4/1995/42 (1995), pp. 20-21.

Regarding women's access to ESC rights, Soraida Hussein presented the Montreal Declaration of Principles (2002), which is an important legal instrument with regard to women's ESC rights. It is a new initiative aiming at grouping all women's ESC rights contained in different international conventions. Therefore, it is a very rich Declaration, which contains six principles covering all the women's ESC and other rights. At present, this Declaration still does not have the status of an international declaration, but it is important to emphasize the current efforts to make this document accepted as part of international human rights law.

Regarding Palestinian women, numerous human rights are violated, as for all Palestinian people. The Israeli occupation constitutes an extra obstacle to the realization of women's rights. Because of the violence of the occupation, women's rights are violated and stolen. Furthermore, the realization of women's rights is hampered by an authority which is not a State and has no capacity to defend itself, consquently, it is not able to respect and implement its obligations, in particular with regard to ESC rights. Since these obligations are not respected, the realization of several ESC rights becomes incumbent upon women themselves. Hence, women contribute to the realization of the right to food, the right to water, the right to healthcare, etc. Women have responsibilities and obligations, but they do not have the resources to fulfil them.. To conclude, according to S. Hussein, in order to give women the possibility to realize their rights, it is essential to create a balance between men and women, and to offer the same resources and the same opportunities to women as those granted to men.

Munir Idaibes presented the role of information and information technologies in the realization of women's rights. Different websites are important in this respect, because they use information technologies to contribute to the improvement of women's rights. In Arab countries, close to 30 million people use the Internet, but only 2.5% of them are women. Some Arab websites deal specifically with women's rights and violence against women. A new website on women's ESC rights will also be created. The websites presented during the seminar are specific to Arab countries, and give abondant information on the region, such as a research and study centre compiling legislation of each country. In order to fight against the exisence of the lack of knowledge regarding information technologies, the centre proposes free training for women. Information technologies are very important for the realisation of women's rights. Consequently, it is essential to promote the teaching of new technologies towards women in Arab countries.

As underlined by Lina Miari, two concepts are important when dealing with women's rights: the concept of social gender, which organises social relations, and the ethnic and social concept. These two concepts allow to take into account the importance of women's role in all sectors, whether social, economic, political, cultural, and in private life.

Women have an important economic role, but it is not often taken into account. For example, women work in the informal sector than in the formal sector. Women also have a fundamental social role: for example, a pregnant woman takes care of children, elderly people and the house at the same time. It is a productive role which is not considered as work in the formal sector. Women also have a political role, notably in the decision-making process. At the strategic level, women have the role of bearing children.

Men's roles are different from women's, therefore women's needs are different. Women have practical needs, according to the place where they live, and they have strategic needs. It is essential to take into account these needs for the realization of women's rights. In order to realize women's rights, it is fundamental that women be totally equal to men, and that men's and women's roles are distributed according to their choices and not according to the sex of the individual.

Lina Miari considered the situation of women in Palestine. They have a good level of education: 42% of students at University are women. But a strong contradiction appears: despite a high level of education, women's participation at work remains weak. Before July 2000, women represented only 12% of the working population.

Obstacles to women's development exist at different levels. At the economic level, the Palestinian economy suffers from occupation, but even before the occupation, it turned to capitalism. The Palestinian Authority does not have any development programme, and the biggest part of the budget is directed to security. At the social level, the minimum age to get a girl married is very low. It is essential to amend the law in order to raise the girl's minimum age to get married. Palestinian women's fertility also constitutes an obstacle to their development. Fertility is indeed very high in poor regions such as Jenine, Gaza and Hebron. There is no social security and no social aid for families or women. Therefore children become a security for their parents when they get old. These factors contribute to a high birth rate.

The participants underlined the necessity to change ideas and attitudes towards women in Arab countries, because women's identity influences women's rights there. Moreover, women's rights exist in religion but religion does not reflect an effective and complete equality between women and men especially with regard to ESC rights.

ESC rights and women are also related to the globalization phenomenon. Many women suffer from poverty and the effects of globalization. Several participants deplored that most domestic work is not considered as formal work. However, women play an important economic and social role: they take care of children, elderly people, sick persons, etc. The State does not fulfil its social role, therefore women have to act in its stead, but their activities are not considered as work. Globalization also affects women's rights when companies prefer to employ women because women do not ask for the respect of their social rights. In fact, very often, they do not know the existence or the content of their rights.

Moreover, under-developed economic infrastructures constitute obstacles to the realization of women's rights, e.g, the high unemployment rate in Arab countries. Therefore, it is also essential to consider women's rights in relation to development, since violations of women's rights are also due to poorly developed economies.

Khalil Shaheen emphasized the lack of mechanism at the legislative, legal and administrative levels, to enforce ESC rights in general and in particular women's rights in southern and eastern Mediterranean countries. There is also a lack of coordination at the regional level to establish networks between NGOs and civil society, because current networks are not able to act at the regional level to serve the poorest populations. In Arab countries, there are political differences regarding women's ESC rights. Different factors contribute to the current situation regarding women: national policies, Arab culture, corruption, and the lack of transparency of national institutions. In addition, the policies of financial institutions such as the IMF and the World Bank, and TNCs activities, have a huge impact on the violation of Arab women's rights, as in Palestine, Morocco and Egypt. International economic sanctions also play a big role. For example in Iraq, the right to healthcare, the right to housing, the right to food, the right to water, the right to education, the right to social security and the right to assistance during conflicts are violated. In order to put an end to violations of women's rights in Arab countries, it is essential to agree on a common concept among Arab countries regarding women's role and their ESC rights in the region.

Considering the situation of women in Arab countries, Khaled El Mahallawi stressed the necessity to elaborate norms to define the notion of labour. It is essential to determine if the notion of formal work should cover only work with an employer or if it also covers domestic labour. Such a definition should be incorporated in labour legislation. The specificity of women's conditions in the Arab world also comes from the prevailing economic and social conditions. For example, in Egypt, a woman tremendously helps her husband at work tremendously, and participates to the same tasks as he, especially when in agriculture and fishing. However these women are not considered as working women, and do no benefit from labour rights. It is also essential to legally define the status of women's activities at home, for example when they take care of children. Consequently, it is important to define the division of tasks between men and women.

In Egypt, women from middle and poor social classes do not benefit from labour rights. An amicable arrangement on the division of tasks is made between the woman and her husband who often have different jobs. The problem is to legally qualify this amicable arrangement. Similarly, women are generally exploited at work, because they do not know their rights when they exist. They earn a lower wage than men, and they do not ask for social security or insurance. Women in Arab countries are therefore submitted to their status at work, and can be fired at any time. The competition between men and women is also used by employers in order to minimise the rights of both men and women.

Regarding amicable arrangements, Lina Miari insisted upon the importance of determining if the division of tasks is the result of the free choice of a woman, or if it is the result of a power relation with the man. It is essential that a woman have the same opportunities as a man, to get a job for example.

The participants considered that the concepts of ESC rights need more clarification. Labour and the sectors of labour must be clearly defined. It is fundamental that discrimination against women be stopped, especially discrimination in relation to wages, social security and retirement (for example in Jordan, a woman cannot give her retirement pension to her children).

The issue of women's participation at work is fundamental. Close to 19 million women work in the informal sector in Arab countries. But the control of this sector by men produces bad working conditions for women. It is necessary for States to legalise work in the informal sector. Labour laws should apply to women working in agriculture and fishing, and for some

work done at home. Laws should also provide for the obligation for companies to employ women. On the other hand, existing laws regarding women at work are regularly not applied. Further, it is essential to set up awareness-raising programmes addressed to women concerning equality, the distribution of roles, and their rights at the workplace. Finally, the Arab woman has the right to be well represented in local and national media; currently, the Arab woman is always negatively seen as a woman wearing a veil, or as a violent woman fighting against occupation. The Arab woman has the right be represented by another image, the image of a free woman.

To conclude, Lina Miari insisted upon the necessity for local NGOs to participate in networks with civil society and social movements. Although there is a lack of real social movements and real political parties, especially in Palestine. For human rights to become a reality, it is necessary to develop real social movements and political parties so that coordination and networking between NGOs can be established.

PART 2 : STRATEGIES

Human rights activists are faced with two main challenges to the realization of economic and social rights. With globalization, which affects every society as a whole, violations of ESC rights and the question of their justiciability have raised major concerns in the last ten years. Some NGOs have already been widely involved in the realization of ESC rights, but most human rights NGOs have traditionally been involved in the struggle for civil and political rights. However, civil and political rights cannot be guaranteed and respected if ESC rights are not implemented, and vice versa, because all human rights are indivisible. Therefore, human rights NGOs need to get involved in these fields of action and to develop skills and expertise regarding ESC rights.

While the State has generally represented the main interlocutor in front of NGOs, globalization has favored the multiplication of decision-making centres and the multiplicity of non-state actors. Human rights NGOs should therefore gather and get organised in order to create a worldwide counter power in front of non-state actors' power and impunity. The creation of new discussion forums offers numerous opportunities for human rights NGOs to promote human rights and to lobby for traditional human rights topics, such as the rule of law and democracy.

International and national available strategies with regard to ESC rights vary, according to each actor that NGOs should approach.

I. State actors

A. Strategies related to economic and social rights

Regarding ESC rights, a distinction can be made between strategies at the national level and at the international level.

1. National level

Considering strategies at national level, Marie Guiraud underlined that the State has the primary responsibility to respect, protect and promote human rights. Investigate missions are fundamental means to define the precise content of human rights, to characterize violations and to identify responsibilities. It is then up to international NGOs to relay this work at the international level. It is also essential to train activists and experts. Lobbying is fundamental, since it aims at integrating international instruments into national laws and especially into constitutions. It is also fundamental to lobby at national human rights commissions so that they adopt observations and recommendations regarding ESC rights. It is essential to use judicial means and to lodge complaints even though there is very little chance to succeed. It is also important that civil society organisations create national Special Rapporteurs on human rights, including ESC rights.

The NGO Mossawa has used different strategies to fight against economic and social discrimination suffered by the Arab population in Israel. According to Amin Fares, different actions can be conducted by using governmental budget analysis, to advocacy at different levels: parliament, tribunals and international. Budget analysis can also be used to elaborate different actions aiming at the development of society's powers and the media, and NGOs' capacity building as well as to show the level of discrimination in the way the budget is adopted. In fact, the budget is adopted by Knesset members but the majority of them are not aware of the discrimination entailed by the measures adopted.

Another strategy consists in gathering information in relation to discrimination, especially figures, and disseminating them. It is, for example, possible to measure the level of education or income of different populations.

Further, it is important to lodge complaints in tribunals such as the Supreme Court. This mechanism remains however limited, because the Israeli government applies laws in a discriminatory way, and the Court does not intervene in government matters since they are considered as political matters. It is however essential to lodge complaints, asking, for example, for equitable distribution of resources or for changes in government decisions.

Since advocacy in tribunals has only limited results, A. Fares underlines that it is essential to develop human resources and to create training programmes for civil society organizations. It is also important to use the media, because they spur changes. This is why it is important to disseminate, for instance, the recommendations of United Nations

committees in the civil society and in the society in general as a way to rally support in the society. NGOs can also use advertising and big events to denounce discriminations. Finally, advocacy at the international level is crucial.

For the NGO Adalah, the national strategy on justiciability consists in lodging complain before tribunals even if the complaint does not have a chance to succeed. As underlined by Hassan Jabareen, it is fundamental to divide the rights in minor components when lodging complaints in the Supreme Court regarding ESC rights in the Palestinian territories. For example, a complaint has been lodged regarding the right for a village to register its name in order to have an address. The complaint was based on the argument that without an address, the village couldn't pay taxes. The Court accepted the request. Within this context, the land issue has voluntarily been set aside by the NGO. Similarly, a judicial action requested that women and children have an adequate clinic. In this case, the national dimension has been neutralised, and the request was filed only for the benefit of some villages. The Court also accepted the request. The justiciability of some ESC rights can succeed, but some have very little chance to succeed. This is the case of complaints concerning access to drinking water, or the land issue or the question of recognition. Therefore, the most efficient strategy consists in neutralising these difficult issues and dividing them into specific components.

The participants considered that there were political problems common to several Arab countries which resulted in an unfair distribution of resources and the deprivation of basic rights of most populations. Moreover, it is necessary to raise populations' awareness on human rights because awareness-raising is insufficient in Arab countries.

2. International level

At the international level, the UN system provides two main types of human rights protection mechanisms for ESC rights activists: treaty-based mechanisms and UN charter-based mechanisms.

Regarding charter-based mechanisms, the UN Commission and Sub-Commission for Human Rights are essential mechanisms for the elaboration and the adoption of international instruments dealing with human rights and ESC rights. NGOs can lobby for the adoption of instruments in favour of ESC rights, or denounce specific situations through special procedures. Regarding this, the use of the UN Special Rapporteurs mechanisms is essential in certain situation. For example, with regard to the situation of the right to health in Algeria, a communication can be sent to the Special Rapporteur on the right to health, directly by the NGO in the field, or via an international NGO.

Christophe Golay presented the Special Rapporteurs mechanisms which part of the special procedures created by the UN Commission on Human Rights. At present, among the 39 Special Rapporteurs working with the Commission, 27 are thematic Rapporteurs and 12 are country Rapporteurs (for violations occurring in a particular country). The Special Rapporteurs have at their disposal three principal means of action to fight against violations for which they have been mandated. First, the Special Rapporteurs elaborate two reports per year which analyse the situation of the rights related to her mandate, and make recommendations. These reports are presented to the UN Commission on Human Rights and to the UN General Assembly. Second, the Special Rapporteurs conduct investigation missions in the field, in general two per year, and make recommendations to the State. Finally, the Special Rapporteurs can send urgent denunciation to States. The States, in that case, will have six weeks to explain the measures it has taken following the denunciation, then the denunciation becomes public. For each of these three means of action, Special Rapporteurs work in close collaboration with civil society - social movements, local communities, national and international NGOs.

Regarding treaty-based mechanisms, several UN human rights committees can be used for the enforcement of ESC rights. The most important is the CESCR, which monitors the implementation of the ICESCR. The submission of alternative reports to CESCR allows the Committee to have a detailed vision of the situation in the country - precision is often omitted by governments. Other UN committees, such as the Committee on the Elimination of All Forms of Discrimination Against Women, the Human Rights Committee and the Committee on the Elimination of Racial Discrimination, are particularly important since some ESC rights are enshrined in the conventions whose implementation they monitor. In contrast to CESCR, these committees provide for the possibility for victims to directly petition the Committee. Further, the Optional Protocol to ICESCR, when it will be adopted, will constitute an essential tool to enable victims to submit claims after they have exhausted local remedies. However, Marie Guiraud underlines that several States oppose to the adoption of such a protocol. Within this context, the role of NGOs is crucial to carry out campaigns in favor of the Optional Protocol, and to lobby governments accordingly.

Finally, the International Labour Organization is one of the most active international organizations in the field of ESC rights, and possesses several mechanisms of supervision of its numerous conventions and recommendations regarding labour law.

Two examples of the submission of alternative reports to CESCR were presented.

Regarding Jordan, three Jordanian NGOs jointly presented an alternative report on the situation of ESC rights in Jordan between 1996 and 2000. In fact, the governmental report presented to CESCR contained only legislative information and did not mention the real issues in relation to ESC rights in Jordan. As underlined by Suleiman Sweiss, the submission of a joint alternative report gives more importance to substantive information. The results of the submission of the alternative report were positive. The Jordanian government, which had not consulted NGOs when elaborating the governmental report, had to improve the quality of its reports to the UN. It also had to take into account the existence of different non-state actors in Jordan. The CESCR's conclusions reiterated most of the recommendations contained in the alternative report. It is however essential that the NGOs continue their actions after the formulation of CESCR's recommendations. NGOs should organise training seminars. They should also make people aware of their rights, etc. Moreover, the elaboration of an alternative report requires skills that NGOs sometimes lack. Therefore it is essential to reinforce NGOs' technical skills. Further, it is difficult for NGOs to gather figures and data on ESC rights and on human rights in general. Finally, even though governments do not ask NGOs to contribute to the elaboration of the governmental reports, it is essential that NGOs try to cooperate with the authorities.

Rafeef Mujahed presented the circumstances under which NGOs in the Palestinian Occupied Territories submit their alternative reports to CESCR. NGOs in the Occupied Territories are faced with a specific situation since the Israeli government denies the application of international human rights in these territories. The government never mentions the situation in the Territories in its governmental reports to UN Committees. In fact, the Israeli government does not apply any of the human rights conventions in the Occupied Territories.

In these circumstances, two Palestinian NGOs, in collaboration with several institutions in the field, submitted an alternative report to CESCR. This experience has shown the importance of unifying efforts in the field between Palestinian NGOs and institutions. The CESCR's recommendations reiterated some recommendations contained in the alternative report. But, as underlined by Rafeef Mujahed, these recommendations are non binding for governments, and under the particular circumstances prevailing in the Occupied Territories, it is even more difficult to ensure their application.

Within this context, several participants underlined the blatant lack of will of the international community to oblige the Israeli government to respect its human rights commitments. For example, 70% of Israeli trade is done with the European Union, but the EU has never used this economic lever to stop the continuous violations of Palestinian rights.

B. Strategies regarding trade and financial issues

Regarding economic issues, strategies can be developed for Ministries, in order to obtain coherency between human rights policies on the one hand, and trade, financial and economic policies on the other hand. Regarding this, Marie Guiraud underlined the importance of raising awareness of ministries and delegations especially the ones working with financial and trade institutions. Such awareness-raising is based on the necessity to ensure and respect the primacy of human rights at all levels: during negotiations, and the adoption and for implementation of economic agreements and policies.

Because these delegations work within economic, trade or financial ministries, they do not take into account the impact of governmental economic policies on the realisation of human rights, The coordination between economic ministries and ministries dealing with human rights issues is almost non-existent. The role of local NGOs is hence crucial in developping such coordination. Therefore, awareness-raising represents a major challenge to human rights NGOs which are not used to approaching these interlocutors.

For example, it is essential to raise trade ministers' awareness about the impact of WTO-related policies on the realisation of human rights, especially in 2004, before the 2005 due end date of the WTO round of negotiations. The same work of awareness-raising should be carried out when approaching WTO delegations in individual countries, and delegations which negotiate agreements within the Euro-Mediterranean Partnership.

Here, local NGOs play a crucial role in convincing governments of the real utility for a developing country to invoke its human

rights obligations as justification for opposing a negotiation or preventing the application of a trade agreement. For example, Mauritius invoked its human rights obligations in a contribution to a conference (in 2000), underlining the necessity to take into account its pre-existing international human rights obligations and in particular those deriving from ICESCR, in order to prevent the application of the WTO agreement on agriculture.

II. Non-state actors

Globalization has favored the emergence of non-state actors (such as economic and financial actors) whose activities, policies and programs have a recognized impact on human rights, but whose responsibility under international law is not correlatively recognized. Consequently, most non-state actors benefit from a high degree of impunity. More and more non-state actors have recognized the importance of human rights but this recognition remains limited and indirect, and occurs only when it is useful for their own activities. As underlined by Anne-Christine Habbard, the issue of non-state actors is crucial to the realisation of ESC rights because non-state actors' activities tremendously affect ESC rights. For example, the right to education and the right to health are regularly affected by structural adjustment programmes imposed by financial institutions.

Globalization has led to a rise in international justice (with for example the creation of the International Criminal Court), but it has at the same time implied a restriction in this justice, exemplified by the impunity of non-state actors and increased inequalities. Thus, globalization has paradoxically allowed the resurrection of ESC rights, which have for a long time been considered as secondary rights.

Non-state actors are different in nature and conduct different activities. These actors can be inter-governmental organisations (such as WTO, IMF or World Bank) or private entities, such as multinational corporations. Therefore, strategies and means of action towards these actors are different. A.-C. Habbard underlined that the protection of human rights remains the exclusive competence of the State. When the State does not guarantee respect for human rights, its responsibility is not undermined by the existence of non-state actors, because it is incumbent on States to submit these entities to the human rights regime.

A. Intergovernmental organizations

Marie Guiraud presented different strategies which can be used by human rights NGOs towards non-state actors.

1. The World Trade Organization and the European Union

For trade and financial organizations, liberalization policies are the main instruments for development. However, trade liberalization can favour economic development at the condition that its benefits are equitably distributed in each country, including through a legal system guaranteeing respect for ESC rights. Liberalization, which implies privatization in different sectors, threatens the realisation of numerous ESC rights. For instance, WTO agreements directly threaten the realisation of the right to health, the right to food, the right to development, the self-determination of peoples, or the equitable access to social services, including education. Euro-Mediterranean agreements can also directly endanger the realization of ESC rights in Mediterranean partner countries if they do not take into account obligations of States Parties regarding human rights and the effects of privatization on those rights.

Within this context, it is worth mentioning that all WTO members and all State parties to the EMP are parties to international human rights conventions. However, these same States are negotiating multilateral and bilateral agreements whose the implementation would compromise their capacity to respect their international human rights obligations. These same States are all under the legal obligation to respect, protect and implement fundamental rights and freedoms. And yet these same States have become schizophrenic, binding themselves with one hand, and untying themselves with the other.

The World Trade Organization

As the new WTO round - due to end in 2005 - claims to be geared to development, States must be reminded of their human rights obligations. In case of conflict, international human rights obligations must take precedence over trade obligations.

The creation of an independent audit would make it possible to identify such areas of conflict and the way human rights obligations and trade obligations are articulated. This audit would respect the principle of primacy of human rights. Such an audit would include studies to assess the impact of trade liberalization policies on human rights. This audit must be independent and be carried out in collaboration with UN human rights bodies as well as independent NGOs. It is fundamental that negotiations be suspended - on topics already under discussion or any new topics - while awaiting the outcome of the audit and publication of its conclusions

and recommendations. It is on this condition only that the Doha Round will become a real development round.

Regarding States which are currently negotiating their accession to WTO, NGOs can ask to consulte State accession protocols which are essential tools for human rights NGOs, because it is very difficult for them to be heard during WTO negotiations since only trade concerns are taken into account. In these protocols, political conditionalities are enunciated. NGOs can therefore monitor the impact of these conditionalities and promote a human rights approach during negotiations if their country is negotiating its accession to WTO.

Moreover, the FIDH has launched an international campaign for the creation of a consultative status for independent NGOs to WTO[7]. Currently, NGOs have no institutional status within WTO and their status guarantees a very limited number of rights. The accusations of opacity and lack of legitimacy made against WTO partly come from this lack of formal representation of civil society. Over the last few years, NGOs' participation in WTO has become more and more important, but is still very insufficient. The creation of such a status would be the best way to contribute to the democratic control of this institution and to increase its transparency. The FIDH suggests the institution of a mechanism to formalize NGO participation in WTO debates. Only general interest NGOs would have a consultative status. The proposed mechanism aims at excluding from the NGO status all groups that defend private interests (BINGOs, e.g. among others, producer groups, private enterprise groups) but also governmental groups (GONGOs: governmental-organized NGOs).

Representative movements of this component of civil society should be consulted at all levels, i.e during the negotiation, adoption and reviewof agreements, in the framework of dispute settlement mechanism, etc.

The European Union and the Euro-Mediterranean Partnership

It is essential that NGOs use the consultation mechanisms in the European Union and the Euro-Mediterranean Partnership. Impact assessment studies should also be conducted to identify the effects of bilateral trade agreements on the enforcement of human rights and in particular ESC rights. Such studies can be presented to European institutions during negotiations with a Partner Country regarding association agreements.

It is also essential to raise the States' awareness on the necessity to duly take into account their human rights obligations when they conclude, negotiate or implement trade agreements.

2. Financial institutions: the World Bank

As mentioned in the UDHR, it is incumbent on all organs of society, and not only on States, to work towards the recognition and effective application of human rights. International financial institutions have therefore the obligation to respect human rights in the elaboration and implementation of their policies. But today, it is unfortunately far from being the case.

As underlined by A.-C. Habbard, the World Bank projects have substantial recognized impacts on human rights, e.g through structural adjustment programs (SAPs), which lay down economic conditionalities to the Bank's loans. The SAPs are based on the restoring of economic stability, with ultra-liberal policies which generally imply substantial privatization. It should be mentioned that the World Bank has shown some improvement, by taking into account some of the negative impacts of its projects on populations. For example, conditionalities to the Bank's loans include a process of democracy and civil society building. Regarding SAPs, some "social nets" have been created for the poorest.

Nevertheless, the so-called social change of the Bank is by no means a real change. SAPs remain virtually unchanged, but are presented with more social discourse. The "social nets" have always been conceived with a vision of charity. Therefore, they do not allow, in any case, to ensure the respect for human rights when the programmes affect human rights.

The Inspection Panel represents an important source of pressure even if it remains a very limited mechanism for NGOs. The Inspection Panel was created in 1993 to establish some form of public accountability and openness in World Bank operations. The Bank can thus be potentially accountable to citizens who are adversely affected by its operations.

The Panel allows two or more persons to file complaints against the Bank if they believe that their rights and interests

7. See FIDH Report : WTO and human rights, for the creation of an NGO consultative status, 2001, http://www.fidh.org/ecosoc/rapport/2001/fr/omc320f.pdf

have been or are likely to have been affected adversely by a Bank project. This group of persons must share common concerns or interests in the country where the project is located and demonstrate that the Bank failed to comply with its own operational policies. Then, subject to approval by the Bank's Board of Directors, the Panel may investigate such complaints and make recommendations to the Board, which will then make a decision.

So far, the panel has been a very imperfect mechanism to achieve accountability at the World Bank. Moreover, there are only three Bank policies that might be used for human rights protection: Operational Directive 4.15 on Poverty Reduction, Operational Directive 4.20 on Indigenous Peoples, and Operational Policy 4.30 on Involuntary Resettlement. These policies apply in very specific cases and can in no way be considered as useful instruments for the protection of all human rights. Furthermore, claims rarely go through the entire Panel Review Process. To date, the Panel has received 27 formal claims and has examined 26 of them[8]. Of those claims, the panel has recommended that six be fully investigated (as to the year 2000). Of those six, only two have received full Board approval.

The Bank has also created a consultation process for use during the implementation of strategies towards poverty reduction (in the framework of the Poverty Reduction Strategy Process). Although the process does not aim at eliminating poverty but only at reducing poverty, it is essential that NGOs participate in this process. NGOs can take this opportunity to stress the impacts of the Bank's policies on human rights, and to promote a human rights approach to the Bank's projects. Moreover, the Bank's Project Documents Appraisal, which gathers all the negotiation documents between the Bank and a borrowing country, are made available to the public. Therefore, NGOs and civil society can also use this consultation process.

In conclusion, human rights standards do offer a global and coherent framework in the fight against poverty: international financial institutions (IFIs) must absolutely use and respect these instruments. Furthermore, IFIs' focus on poverty raises the issue of transparency and democratization of these institutions, in particular in relation to the voting right. It is unacceptable that decisions affecting the world's most deprived populations are subjected to the geopolitical interests of most powerful economies. Finally, the question of the accountability of these institutions is still pending. Until now, no mechanism os strong enough to control or sanction these highly powerful institutions. It is indeed of great importance that power and accountability ultimately coincide, and that these institutions be submitted to increased democratic control.

B. Private entities: transnational corporations

Transnational corporations (TNCs) have largely benefited from the new global context, more than States which have lost their decision power. The economic weight of big firms often implies disproportionate power. They play an important political role which is not only economic. The growing political role of TNCs is of fundamental importance insofar as TNCs benefit from quasi-total impunity for their actions, including in the area of human rights protection.

There is no doubt that corporations can act to the detriment of people's ESC rights. Monopolistic behaviour by TNCs can have a grave impact on people's right to self-determination. TNCs' activities seriously affect labour rights, when paying poor and discriminatory wages, launching arbitrary hire and fire policies, making people work in hazardous conditions or employing children in exploitative activities. TNC's activities seriously affect the enjoyment of the right to form trade unions and the right to strike. TNCs have sometimes been complicit in forced labour, such as in Burma. TNCs' activities also adversely impact enjoyment of the right to health. For example, the patenting of pharmaceutical products may result in the rise of prices for medicines, or in the prohibition of the production of medicines such as HIV/AIDS medicines, at a lower price. They can also have disastrous effects on the environment and on the right to an adequate standard of living including food, clothing and housing.

Facing this quasi-impunity, more and more consumers, NGOs and shareholders have pressured companies to adopt socially "responsible" behaviour. In response, numerous companies have adopted voluntary codes of conduct or have set up ad hoc partnerships with NGOs. These codes of conduct are, however, the result of voluntary initiatives and are, hence, self-proclaimed and self-regulated. They often lack a credible mechanism of supervision, which should be external to the enterprise. Most of the time, these codes of conduct seem to be resulting from a good marketing operation but certainly not a real will to promote human rights[9].

8. The last claim has been filed on 2 October 2003. See also FIDH Report, Tchad-Cameroun, pour qui le pétrole coulera-t-il?, 2000, http://www.fidh.org/afriq/rapport/2000pdf/fr/petchcam.pdf
9. See "Entreprises et droits de l'homme", Le Cahier de la FIDH, November 2001.

Marie Guiraud presented strategies to cope with the multiplicity and growing impunity of multinationals. Although these companies' activities my well have an adverse effect on ESC rights, they can not be said to violate human rights law, since they are not considered to be subject to international law. Activities of corporations having a negative impact on ESC rights may, nonetheless, be addressed in various ways, at national and international levels.

At the national level, fact-finding missions can assess the impact of these companies' activities within their field of activity and their sphere of influence. Investigate missions can also identify these companies' responsibilities. Companies which do not recognize the impact of their activities can be denounced. Further, it is possible to establish partnerships in cooperation with certain companies, after having duly taken into account the company's profile. These ad hoc partnerships are important insofar as they establish the obligations of the company and its sub-contractors, and create external monitoring mechanisms to monitor the respect of these obligations.

It is also important to act at the judicial level. For example, human rights obligations may be imposed on non-state actors by national constitutions or laws. The courts in some countries have placed human rights obligations directly on non-state actors, although not many States have laws on suing companies for their human rights violation. Finally, corporate activities may also be addressed indirectly through the state's "obligation to protect".

At the international level, non-state actors, including corporations, can be held directly responsible according to the provisions of certain human rights treaties, like the Genocide Convention. NGOs can also lobby at inter-governmental organizations, e.g NGOs have intensively lobbied at the United Nations for the adoption at the international level of human rights norms regarding the responsibilities of enterprises. The UN Sub-Commission on the Promotion and Protection of Human Rights recently adopted a drfat norm on this subject which will be considered by the UN Commission on Human Rights at its next session in 2004 for potential adoption by the General Assembly.

UN Norms on the responsibilities of TNCs

The UN Sub-Commission on the Promotion and Protection of Human Rights recently adopted the final text of the Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights, and their Official Commentary[10].

The Norms recognize that, while Governments have the primary responsibility to promote and protect human rights, transnational corporations (TNCs) and "other business enterprises, as organs of society, are also responsible for promoting and securing" human rights not only in their operations, but also in their "respective sphere of activity and influence", which would then include the practices of their contractors, subcontractors, suppliers, licensees and distributors.

The norms also envision periodic transparent monitoring by the UN, and other international and national mechanisms, to verify that TNCs are effectively upholding human rights, labor, environmental and consumers' protection standards, as well as respecting the provisions that prohibit corruption, and respecting the guidelines for operations in conflict zones. This monitoring mechanism will accept contributions from NGOs.

The Norms also admit the need for a complaint mechanism. The commentary suggests that the UN Commission on Human Rights should consider establishing a group of experts to "receive information and take effective measures when businesses fail to comply". The Norms further take into account the need to provide prompt, effective and adequate reparation to victims. However, they do not explicitly recognize the possibility for the working group to receive and examine individual or collective complaints, although this issue should have been one of the major interests of the Norms.

Most human rights activists have praised the document, because the Norms provide a useful checklist for companies on how to act consistently with international norms[11]. The resolution of the Sub-Commission will be considered by the Human Rights Commission at its next session in April 2004, when, hopefully, the resolution will be endorsed.

10. Resolution of the Sub-Commission E/CN.4/Sub.2/2003/L.8 of 13 August 2003 adopting the Norms and the Commentary, available at: www.unhchr.ch
Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights, U.N. Doc. E/CN.4/Sub.2/2003/12/Rev.2 (2003) available at: http://www1.umn.edu/humanrts/links/norms-Aug2003.html ; Commentary on the Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights, U.N. Doc. E/CN.4/Sub.2/2003/38/Rev.2 (2003). Available at: http://www1.umn.edu/humanrts/links/commentary-Aug2003.html
11. Joint NGO Press Statement: "NGOs welcome the new UN norms on enterprises", www.fidh.org

Non binding initiatives at the international level had already been elaborated, such as the guiding principles of the Organization for Economic Cooperation and Development, the ILO Tripartite Declaration and the UN Global Compact.

International guidelines regarding TNCs

Other organizations have already adopted declarations and guidelines towards companies. Before the adoption of the norms by the Sub-Commission, the UN adopted the Global Compact principles for businesses, a partnership between the UN and private enterprises. Companies morally commit themselves to respect the nine principles in favor of human, social and environmental rights and not to be complicit in rights violations. However the Global Compact does not provide for a mechanism of supervision. Therefore, it enables companies to get a positive image by engaging in the Compact.

In 1977, the **International Labour Organization** (ILO) adopted **the Tripartite Declaration** on principles towards multinational companies and their social policy, which was revised in 2000. This Declaration formulates guiding principles for companies, Member States, workers and employer organizations. This Declaration is very important since it formulates direct obligations for companies and applies to a wide range of rights enshrined in ILO conventions and recommendations.

The **Organization for Economic Cooperation and Development (OECD)** developed guiding principles for multinational companies in 1976 that were revised in 1998. They consist in recommendations on the behaviour of companies, and are primarily addressed to companies based in countries that have adopted the principles. However the principles also concern companies' activities all over the world since they aim at being applied to all companies from OECD countries, regardless of location. The principles now also apply to violations which occur during the production process.

Even though these principles are non-legally binding, they are reinforced by a mechanism of implementation, the ultimate responsibility for their application depends on the governments.

According to Ziad Abdel Samad, TNCs are based in developing countries for four main reasons. In these countries, social rights are implemented less than in industrialized countries. Financial and fiscal policies are favourable to TNCs. Few environmental norms exist. Finally, these companies are located closer to local markets, which is favorable to them. Environmental considerations are a good example of the reasons leading companies to settle in Arab countries: they can avoid implementing environmental norms that are in force in their own countries.

All participants agreed that at the national level, States should regulate companies' activities and should ensure enforcement of legislation regarding labour rights. States must also protect the freedom of union. It is essential to support trade unions when governments act against them (like in Jordan). The participants also raised the issue of the politization of trade unions.

The participants stressed the lack of national mechanism for lodging complaints against companies. Recently, decisions regarding privatization of companies' standards have had a strong impact on workers' rights (in Jordan). Also, one of the major challenges is the monitoring of small enterprises' activities. Their activities particularly affect wages and the environment. Some participants also underlined the cooperation of some enterprises in environmental area.

At the international level, States should not enter into agreements with companies without having checked that these companies respect national laws. In Jordan, an investigative mission on investment in the region denounced serious violations of workers' rights. This mission also showed that there were too many possibilities for companies to avoid national legislation. This study has been presented to the national authorities which did not take it into account. Therefore, it is essential that States take into account companies' investment choices. It is also important to make a distinction between respect of rights at work within the company - which implies respect for national labour legislation -, and respect for norms outside the company.

III. Civil society and the question of an Arab social Forum

More and more NGOs work on social issues, because they acknowledge the indivisibility of human rights and the importance of ESC rights. Human rights NGOs have acquired expertise regarding economic, social and cultural issues, but this expertise is incomplete. Conversely, most social movements deal with numerous issues that can be linked to human rights, but these movements are not experts in the field of human rights. There is, therefore, a double tendency within civil society's organisations, which is reflected by the evolution of the World Social Forum. The World Social Forum

programme has indeed evolved, considering not only anti-liberal issues, but also issues in relation to the rule of law and democratic institutions, as well as economic issues related to war, security and human rights.

As underlined by Marie Guiraud, the World Social Forum (WSF) and regional and local forums constitute crucial means of action for human rights NGOs which often do not possess the necessary expertise on globalization issues. These forums represent new places for discussion and debates, and their utility is twofold. They allow human rights NGOs to establish links and alliances with new partners which have more expertise, such as development NGOs, unions, women movements, farmers movements, etc. On the other hand, the forums constitute a supplementary tool to disseminate arguments on human rights. It is hence fundamental to convince the participants to these forums to use human rights in their own fight, by considering the issues of democracy, peace and security in the framework of international human rights law. Human rights therefore have are doubly useful: they constitute an end in themselves and they are an instrument which can be used by all these movements in their own fight.

Consequently, human rights NGOs should participate in international and regional social forums keeping in mind this double usefulness. Although world social forums do not work out any action plan, it is very important that NGOs participate in these forums because they offer an opportunity to establish important contacts for future networks with new partners, and to define more efficient campaigns.

According to Ziad Abdel Samad, it is essential for NGOs of the region to work for the creation of a social movement that will make it possible to monitor social policies, lobby for the implementation of adequate strategies and raise the awareness of the Arab civil society. The organisation of the Arab Social Forum is a very important step towards the creation of such an effective and powerful Arab Social Movement. This Forum should be open place for different social groups and various political views. Despite some local initiatives in the region, there is still no social forum that gathers social movements. Furthermore, despite the rich experience of national movements, the representation of the Arab region at the international level is still very weak, e.g the last European Social Forum (November 2003). Moreover, during international and regional social forums, debates regularly concern the Arab region, e.g. the last European Social Forum, when debates took place on bilateral Euro-Mediterranean agreements, and the Palestinian and Iraqi issues. Therefore, an Arab Social Forum is essential for gathering opinions of NGOs in Arab countries, and for conveying them at Social Forums. It is essential to use this right of expression in order to convey the opinions of NGOs from Arab countries regarding issues that particularly concern them.

In her intervention, Rola Hamed (Abu-Zaid) presented the Development and Empowerment Project in Tel Aviv whose goal is to favor NGOs' networking in the field. The focus of this project is the sustainable development of the Arab community of Israel, a community which is disadvantaged due to conditions of poverty, neglect and discrimination. Although Arab citizens represent nearly 20% of Israel's total population, the Arab sector receives less than 4% of the government's development budget. In the poorest villages, Arab citizens face unemployment rates of 15%, high school dropout rates of over 50%, and infant mortality rates of over 9 per 1000 live births. Under-development is especially extreme in the unrecognised and newly recognised villages, which lack basic infrastructures including electricity, running water, health clinics, and access roads. The activities of the project will build physical infrastructures and human capacity in order to promote substainable development.

The project is a partnership between civil organisations from the south and north of Israel. One of the central goals of the project is to build the capacity of the local partners, to increase their effectiveness in the community, and to ensure institutional sustainability. The project is led by local partners who are members of the Arab community of Israel (Laqiya's Women Association, the Nazareth Nurseries Institute, the Committee for Educational Guidance for Arab Students and the Mossawa Centre) in partnership with a European foundation (Heinrich Boell Foundation). This project was an initiative by local NGOs that approached the European partner and went through a process of discussion, information sharing, and project building. Each of the four local partners are engaged in internal process of critique and evaluation. These processes include periodical comparison of objectives and outcomes, activity reviews with Board members, and consultations with other organisations.

The project's objective in the short-term is to enhance living conditions by increased income, establishment of early childhood facilities, establishment of after-school centres, establishment of family health clinics, and development of access roads and public transportation. In the long run, the project will speak to provide for training and capacity building as well as empowering strategic groups of women, youth and

community organisations with leadership roles in the sustainable development of the community.

Project building, raising awareness, and sharing information will improve the capacity of each of the local partners in the project's joint partnership. The project uses different models such as cooperation and consultation with the local community in order to create solutions that meet local needs. The approach to development is through empowerment and building up the target groups capcity for sustainable development.

In her intervention, Latifa Bouchoua underlined that Morocco is a country where social movements and networks have already been developed in coordination with different social partners. The Moroccan Social Forum took place in 2003 and led to the institution of a committee to ensure follow-up. NGOs then worked to create a regional social forum. According to Latifa Bouchoua, social forums are necessary for human rights NGOs because it is essential to develop a human rights dimension in social forums. During social forums, human rights NGOs have the opportunity to disseminate information on human rights violations. They can promote the indivisibility of human rights and bring out the negative impacts of globalization on those rights. NGOs also need to stress the importance of human rights for other social movements participating in social forums.

For Mohammad Hussein El Sayed, the creation of a social forum in Egypt raises different issues that are common to other national social forums. In Egypt, unions are not effectively represented. Hence, the social movement is not representative of the society as a whole. Moreover, a social forum raises problems at the regional level regarding the involvement of NGOs. Should NGOs get involved in the creation of a national forum or a regional forum? In Egypt, there have been attempts to create a national social forum, but several problems, especially differences between the movements have eventually prevented this initiative. Moreover, the creation of such a forum raises financial problems. Social Forums deal with social issues, thus do not benefit from a budget for civil society. At the World Social Forum, the Arab participation was very weak. This shows that earmarked Arab human rights NGOs do not adequately assess the real value of these forums. Arab people are not used to coordinating their work at the regional level, and this currently is not a priority for some Egyptian NGOs.

Several participants underlined that it was not difficult for Arab NGOs to participate in the World Social Forum and to raise funds. For example, women movements have participated in various workshops which were financed by international women unions concerned with the negative effects of globalization. Globalization affects populations in all countries, therefore it is essential that, in each country, initiatives be taken to create national social forums preliminary to the creation of an Arab Social forum. Within this context, it is necessary for one organisation to ensure coordination between the various national social movements at the local level. But these organisations must represent the aspirations of the populations and coordination must be established between the different movements.

Some participants consider networking to be a problem in the region, because of an incapacity to form networks. NGOs also lack expertise in creating active networks. It is therefore essential to insist upon the expertise and the capacities of NGOs to form networks. Moreover, if organisations had networked, they would have been able to assert themselves more strongly and work more at the regional level. If networked, Arab NGOs could also work out a common human rights programme for the region in order to tackle the most important issues.

To conclude, networking should start with networks between NGOs and civil society movements at the local level which will faciltate the organization of a local social forum. Then the various formus should network, thus paving the way for an Arab social forum. Within this context, training workshops with local NGOs can be organized in order to raise the awareness of the population. It is important that these actions be combined with campaigns and advertisements that bring out the usefulness of networks involving civil society. An Arab Social Forum is, therefore, crucial to allow NGOs of the region to convey and present their ideas at international forums.

CONCLUSIONS AND RECOMMENDATIONS

Conclusions

The seminar gave human rights NGOs, civil society organisations, experts, UN representatives and government representatives, the opportunity to think together and to elaborate strategies for better enforcement of ESC rights in the region, which would contribute to the development and stability in the region. The conclusions and recommendations of the seminar are contained in the following Amman Declaration which was adopted during the seminar. They are addressed to governments of the region, to inter-governmental organizations such as WTO and financial institutions, to multinational corporations, to local human rights NGOs and to civil society organizations. These conclusions and recommendations aim at ensuring that the Euro-Mediterranean Partnership contributes to the strengthening of human rights, in particular economic, social and cultural rights, in the countries of the region.

1. Amman Declaration and Recommendations

From 17 to 20 October 2003, international, regional and national human rights non- governmental organisations (NGOs) as well as development NGOs and human rights experts gathered in Amman, Jordan to discuss the prospects of economic and social rights in the region.

Considering that peace and democracy are closely interlinked with economic development and enjoyment of all human rights, the participants vigorously reasserted the fundamental indivisibility and interdependence of all human rights; recalled the absolute primacy of international human rights law over and above any other kind of agreement, in particular in the trade and economic field; deplored the fact that governments in the region have so often disregarded economic and social rights.

The persisting violations of civil and political rights in the region undermine any serious prospect of economic development and of enjoyment of economic and social rights. Conversely, the lack of serious implementation of economic and social rights, notably the right to education, to health and housing constitute a definite obstacle to the full realization of civil and political rights.

The participants reiterated that the realization of universal human rights is the primary responsibility of States, but that non-state actors also bear a responsibility in the deterioration of the situation of human rights in the region, especially in a context of economic liberalization brought about by globalization.

The participants strongly reaffirmed that no justification (be it political, cultural, religious or economic) could be used to derogate from the obligations of all parties to respect, protect and fulfill universally acknowledged human rights.

In particular, the conflicts in the region have too often been instrumentalized by the governments in the region to avoid respecting their international human rights obligations and their own laws. This also holds true for "security concerns" in the context of the fight against terrorism.

They reminded all governments that the applicability of international humanitarian law in times of war does not exclude the application of international human rights law.

The participants reasserted that tolerance, respect for human rights, best understanding and dialogue between different cultures and civilizations are important factors for stability and useful international cooperation.

They asserted that diversity enriches common heritage and enables better respect for human rights for all without discrimination.

They identified several main impediments to the full realization of economic and social rights in the region, among which:

· The persistence of conflicts, in particular the Israeli occupation of Arab territories, in violation of United Nations (UN) resolutions and international humanitarian and human rights law; as an example of that the serious impacts of building a wall in order to isolate Palestinian people, domesticate more land and properties. In addition, the seizure policies are considered as violating economic, social and cultural rights (ESCR);

· Occupation of Iraq by US-British coalition;

· Absence of democracy in several States of the region and unfulfilled democratic experiences in other countries; and the weakness of democratic participation in public affairs as a consequence;

· Deep-rooted inequality between men and women and continued discriminations against women;

· The lack of proper access to knowledge;

· The negative impacts of economic reform policies imposed by the World Bank which results in increasing unemployment and poverty in many countries;

· The serious impacts of external and internal debts and the increased debt service costs burdens countries of the region to cover the debts to the detriment of the financing of new economic and social projects.

The participants underlined the importance of the Euro-Mediterranean partnership and of respecting mutual obligations with regards to democracy and human rights, included in the association agreements. They insisted on the need to balance relations between partners. The participants underlined the paradox of the Euro-Mediterranean partnership: while Europe carries a considerable economic weight in the region, such weight is not matched by a corresponding level of political responsibility.

The participants insisted on the need for a strong political will, embedded in adequate and comprehensive policies for these rights to be enforced and justiciable.

Recommendations

The participants recommend to the States of the region to:

· Ratify all relevant international human rights treaties and in particular the International Covenant on Economic, Social and Cultural rights as well as other conventions related to economic and social rights and fully cooperate with relevant UN mechanisms;

· Adopt all necessary legislative, economic, political and administrative measures with a view to achieving full realization of all economic, social and cultural rights, including integration of international human rights instruments in internal law;

· Immediately adopt measures to guarantee access to basic needs (access to water, food, housing…) for all residents in their country, including non-citizens;

· Respect human rights conditionalities for the distribution of international aid at national level so that it not be diverted and that it be equitably distributed without discrimination;

· Take all necessary measures to prevent non-state actors from violating economic and social rights;

· Refrain from privatizing public services when such privatization is likely to endanger the full enjoyment of economic and social rights (e.g the right to healthcare, education and water);

· Create and develop reliable evaluation instruments to gather data on economic and social issues with a view to elaborating effective and comprehensive social and economic policy programs;

· Make relevant documents and statistics public in the field of economic and social issues, particularly indicators related to gender issues;

· Engage in a substantial dialogue with civil society and in particular with human rights NGOs and set up mechanisms to institutionalize civil society consultation;

· Strengthen (or create) national human rights institutions and ensure their full independence;

· Ensure the full and effective equality between men and women and implement all women's rights;

· Develop effective water-demand management system and economic instruments to rationalize the use of water, in order to protect natural resources and the environment;

· Develop awareness, education and practices with regard to human rights in all educational institutions and assess the degree of achievement in implementation.

Further, the participants recommend that:

· Industrialized countries comply with their international obligation of international assistance and cooperation;

· All States take due account of their human rights' obligations when negotiating, concluding and implementing commercial and economic agreements;

· States - when working international financial institutions - ensure the compatibility of these institutions' policies and programs with international human rights law;

· Procedures be elaborated to provide an adequate and effective follow-up to the projects financed by international aid;

· European Union enforce the human rights provisions of the Euro-Mediterranean Partnership.

The participants recommend to the civil societies of the region to:

· Establish mechanisms to ensure cooperation at regional and national levels and participate in preparing international strategies for defending human rights, and invite the unions and syndicates to put more efforts and consideration into human rights issues, civil rights and collaboration with human right NGOs;

· Develop human rights NGOs and build national networks to defend the ESCR in collaboration with NGOs working in the field of sustainable development to protect the victims of armed conflicts and immigrant workers, and to eradicate poverty and unemployment;

· Train members of human rights NGOs on preparing shadow reports on ESCR to be submitted.

2. Recommendations for actions by NGOs

Following the Amman regional seminar on economic an social rights in the South and East of the Mediterranean, suggestions for actions can be recommended to national, regional and international NGOs, including human rights organisations, as well as development NGOs and human rights experts.

At the national level, it is recommended to NGOs to:

- Encourage governments of the region to ratify the International Covenant on Economic, Social and Cultural Rights (ICESCR), and other relevant international human rights instruments including the International Covenant for the Elimination of all forms of Discrimination against Women;

- Encourage governments to respect their reporting obligations according to the ICESCR;

- Submit alternative reports to the UN Committee on Economic, Social and Cultural Rights, and follow up on the recommendations made by the Committee;

- Work towards the adoption of an Optional Protocol to the ICESCR;

- Send information to the relevant UN Special Rapporteurs;

- Create national Special Rapporteurs on specific rights; in order to coordinate more efficiently with the existing UN Special Rapporteurs.;

- Encourage governments to integrate international human rights instruments in internal law, notably in their national constitutions;

- Encourage governments to establish national human rights institutions and if they already exist, make them consider economic, social and cultural rights as part of their mandate;

- Identify, report on and quantify violations of economic and social rights at the national and regional level, through field investigations, research and all means;

- Demand that national authorities publish reliable data on economic and social issues;

- Develop national budget and data analysis;

- Develop judicial activism by presenting cases related to economic and social rights before national courts;

- Sensitise States on the need to take due account of their human rights obligations when negotiating, concluding or implementing commercial or economic agreements;

- Invest in the Euro-Mediterranean Partnership and submit human rights assessment reports to the European institutions when discussing association agreements with EU countries.

Suggestions at the international level:

- Concerning the World Bank, to:

- Participate in the consultation process put in place in the Poverty Reduction Strategy Process, in order to advocate a "human rights approach" to poverty reduction;

- Use, when possible, the Inspection Panel mechanism of the World Bank.

- Concerning the WTO and other trade agreements, to:

- Join the campaign for the creation of an NGO Consultative Status to the WTO;

- Monitor the impact of trade agreements on the enjoyment of ESC Rights;

- Monitor the impact of the conditionalities laid down in the States Accession Protocols to the WTO, when relevant.

- Concerning multinationals and other corporations, to:

- Undertake fact-finding missions in order to identify the responsibility of companies in the violation of human rights and in particular economic and social rights;

- Use all means, including judicial, to make companies respect human rights in their field of activity and their sphere of influence;

- Support the Norms adopted by the Sub-commission in August 2003 and their Official Commentary (Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights, U.N. Doc. E/CN.4/Sub.2/2003/12/Rev.2 (2003), and their Commentary U.N. Doc. E/CN.4/Sub.2/2003/38/Rev.2).

Further, it is suggested that participants:

- Get involved in the organisation of national, regional and international social forums;

- Share their knowledge in particular concerning judicial action;

- Sensitise populations on their rights and in particular their economic and social rights.

ANNEX 1: PROGRAMME OF THE SEMINAR

DAY 1 - 17 October 2003

18. 00 - 20.00: Opening Ceremony
Sidiki KABA, President of the FIDH
Dr. Suleiman SWEISS, President of Jordan Society for Human Rights, on behalf of the Jordanian Organizing Parties.
Mr. Jussi NARVI, European Commission Delegation, Jordan

DAY 2 - 18 October
INTRODUCTION TO SOCIAL AND ECONOMIC RIGHTS IN THE SOUTH AND EAST OF THE MEDITERRANEAN

9.00- 11. 00: General introduction to ESC rights
President: Dr. Mohammed Al SQOUR, former Minister of Social Development
Rapporteur: Mr. Jamil Al NEMRI, Member of the Higher Council for Media

- History and Overview of ESC rights
Hani HOURANI, Director General, Al Urdun Al Jadid Research Center. .

- Introduction to the International Covenant on Economic, Social and Cultural Rights: responsibility of States
Marie GUIRAUD, Programme Officer, FIDH

11. 15 - 13.00 - The impact of economic globalisation on the enjoyment of economic and social rights
President: Prof. Ibrahim OTHMAN, University of Jordan
Rapporteur: Mu'ayyad MEHYAR, Consultant in Development and Conflict Resolution Issues.

- Non-state actors and human rights
Anne-Christine HABBARD, FIDH General Secretary

- Globalization, trade agreements and economic and social rights
Joseph SHECHLA, Habitat International

- Impact of privatization of public services on the enjoyment of ESC rights
Jordan: Mr. Riad SUBH, researcher at Al Urdun al Jadid Research Center
Algeria: Ahmed DAHMANI, Economist, Université Paris XI
Egypt: Khaled O. AL MAHALLAWI, Lawyer, Hisham Mubarak Center

14.30-18.00: REGIONAL CONTEXT

14.30 - 16.00: Economic and social rights in the South and East of the Mediterranean
President: Dr. Ibrahim BADRAN, Vice President, Philadelphia University
Rapporteur: Mr. Jamal AL TAHAT, Journalist

-Economic and social rights in the South of the Mediterranean
Khaled Ali Omar Ali ALMAHALLAWI, Hisham Mubarak Law Center experiences since 1998
Samir KHREENO, Jordan Society for Human Rights

- The findings of the UNDP report (Arab Human Development report 2002)
Maen NSOUR, UNDP Expert.

- Impact of the Israeli-Palestinian Conflict on the enjoyment of ESC rights in the region
Suleiman SWEISS, President of Jordan Society for Human Rights

16.30 - 18.00 : Euro-Mediterranean partnership and Economic and Social Rights
President: Dr.Mohammed OLWAN, Lawyer.
Rapporteur: Ms. Ferdaws Al MASRI, Journalist

- Assessment of impact of Euro-Mediterranean partnership agreements on the enjoyment of ESC rights
Nasser A. KAMEL, Researcher, Al Urdun Research Center

- Strategies for the renewal of the Euro-Mediterranean partnership
Ahmed DAHMANI, Economist, University Paris XI.

DAY 3 : 19 October
STRATEGIES FOR THE PROTECTION OF SOCIAL AND ECONOMIC RIGHTS

9. 00 - 13.00 Strategies and tools and the national and international levels
President: Dr. Hosni AL SHAYYAB, Al Isra' University
Rapporteur: Mr. Jamal AL REFA'I, Expert in Law

9:00 - 9:30 Introduction: General overview of the various tools and strategies available at the national and international levels
Marie Guiraud, Program Officer, FIDH

9.30 - 10. 15: Monitoring at the international level - shadow report to the CESCR

Experiences in drafting, presenting a shadow report before the Committee.
Jordan NGO : Suleiman SWEISS, President, Jordan Society for Human Rights
The experience of Al Haq: Rafeef MUJAHED, Member at "Al Haq", a Palestinian NGO

11. 00- 13.00 : Strategies for enforcing ESC rights through domestic legal systems
President: Mr. Rafeef Mujahed, Al Haq
Rapporteur: Ms. Lena KORAH, President of SIGI

-Justiciability at the national level: case presentation
Hassan JABAREEN, Adalah: cases before the Supreme Court

- Budget Analysis
Amin FARES, Mosawa Centre

14.30 - 18.30 : PROTECTION AND MONITORING OF SPECIFIC RIGHTS (1): THE RIGHT TO WATER AND THE RIGHT TO HOUSING
President: Dr. Monther HADDADEEN, former Minister of Water and Irrigation
Rapporteur: Mr. Hussein ABU RUMMAN, UJRC, Executive Director

14.30 - 15.00 Introduction to the right to water
Christophe GOLAY, Assistant to the UN Special Rapporteur on the Right to Food and Water

15.00 - 15.30 Introduction to the right to housing
Joseph SHECHLA, Habitat International

15. 30 - 18.00: Workshops
Workshop 1: The right to water
Resource persons: Christophe GOLAY, UNHCHR
Presidents: Dr. Monther HADDADEEN, former Minister of Water and Irrigation
Dr. Elias SALAMEH, Professor in water management at the University of Jordan

Workshop 2: The right to housing
Resource person: Joseph SCHECHLA, Habitat International
President: Dr. Waleed Al SADE, General Commissioner, National Center for Human Rights

DAY 4: 20 October
PROTECTION AND MONITORING OF RIGHTS

9.30- 10. 30: Women and ESC rights
Soraida A. HUSSEIN, Women's Center for Legal Aid and Counselling (Jerusalem)
Lina MIARI, Institute for Women's Studies, University of Bir Zeit
Munir IDAIBES, SIGI

10.45 - 13.15 Workshops
Workshop 1: Women and economic and social rights
Resource persons : Soraida HUSSEIN, Lina MIARI, Caritas International, ATFD, ADFM
President: Ms. Hind DAWANE, Pediatrician
Rapporteur: Dr. Fares BREZAT, Center for Strategic Studies

Workshop 2: Corporations and Human Rights
Ressource persons: Marie GUIRAUD
President: Mr. Hosni AYESH, member of National Center for Human Rights
Rapporteur: Mrs Lamis NASSER, President of the Human Forum for Women's Rights

15.00 - 19.00: CONCLUDING SESSION

15. 00 - 17.00: Roundtable on networking, coalition building
Moderateur: Driss El YAZAMI, FIDH General Secretary
President: Mr. Ziad ABDEL SAMAD, Arab NGO Network for Development
Rapporteur: Butheina JARDANEH

-How to build partnerships between human rights NGOs and other components of the international social movement (unions, developments NGOs, women's movements, professional associations...)
-How to promote the "human rights approach" among other components of the international social movement.

Resource persons: FIDH, Caritas International, Heinrich Boell Foundation, AMDH, Arab NGO Network for Development, SIGI

17.00 - 19.00: Special Session: Discussion and adoption of recommendations

ANNEX 2: LIST OF PARTICIPANTS

	NAME	ORGANIZATION
1	Daouia DENDANI	LADDH (Algeria)
2	Ibrahim ABU EL KASSEM NUBI	EOHR (Egypt)
3	Khaled ELMAHALLAWI	Hisham Mubarak Law Center (Egypt)
4	Charbil ANTOUN	Foundation for Humanitarian and Human Rights in Lebanon
5	Mohammed NECHNACH	OMDH (Morocco)
6	Latifa BOUCHOUA	AMDH (Morocco)
7	Khadija ERREBACH	ADFM (Morocco)
8	Khalil SHAHEEN	Palestinian Center for Human Rights Gaza
9	Rafeef MUJAHED	Al HAQ- Ramallah
10	Soraida ABED HUSSEIN	Women's Center for Legal Aid and Counseling (Jerusalem)
11	Hassan JABAREEN	ADALAH (Israel)
12	Amin FARES	MOSAWA (Arab community of Israel)
13	Reem MAZZAWI	MOSAWA
14	Fouad AZAR	MOSAWA
15	Adella BIADI	MOSAWA
16	Hedi BEN ROMDHANE	LTDH (Tunisia)
17	Gunseli KAYA	TIHV (Turkey)
18	Fouad MOHAMMED	Cairo Institute for Human Rights Studies (Egypt)
19	Fawaz HALBOUNI	Cairo Institute for Human Rights Studies (Egypt)
20	Ziad ABDEL SAMAD	Arab NGO Network for Development
21	Maen NSOUR	UNDP
22	Christophe GOLAY	Assistant UN Special Rapporteur on the Right to Food and Water
23	Joseph SCHECHLA	HABITAT International
24	Mohammed HUSSEIN ELSAYED	HABITAT International
25	Lina MIARI	Institute for Women's Studies BZU-Palestine

26	Rola HAMED ABU ZIAD	Heinrich Boell Foundation
27	Narvi JUSSI	European Commission Delegation in Jordan
28	Sidiki KABA	President FIDH
29	Driss El YAZAMI	Secretary General FIDH
30	Anne-Christine HABBARD	Secretary General FIDH
31	Marie GUIRAUD	Program Officer FIDH
32	Elin WRZONCKI	Program Officer FIDH
33	Stephanie DAVID	Program Officer FIDH
34	Ahmad DAHMANI	Charge de mission FIDH
35	Nadine OSSEIRAN	Consultant FIDH
36	Mohammed A. HASSANAT	JSHR (Jordan)
37	Abdelrahman KHAWALDE	"National Support Fund" (Jordan)
38	Fathi DARADKEH	Al Yarmuk University
39	Brahim El TAHTUNI	Al Yarmuk University
40	Nadia QAWASMEH	Jordanian Women Union
41	Khawla Al MULLA	Family Development (Jordan)
42	Nidal Al KURDI	Family Development (Jordan)
43	Suheyla AL SAYEGH	JSHR (Jordan)
44	Mohammed Al SAQOUR	ILO (Jordan)
45	Samer KHRAINO	JSHR
46	Hala AHED	SIGI/J (Jordan)
47	Suleiman SWEISS	President JSHR
48	Lamise NASHIF	SIGI/J
49	Haitham Al AZZRAI	Advocate (Jordan)
50	Sami KAKISH	JSHR
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