



# THE LUTHERAN WORLD FEDERATION

LUTHERISCHER WELTBUND - FEDERACIÓN LUTERANA MUNDIAL - FÉDÉRATION LUTHÉRIENNE MONDIALE

*General Secretariat – Office for International Affairs and Human Rights*

## **United Nations Commission on Human Rights**

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Item 10: Economic, social and cultural rights

### **Economic globalization and human rights**

In the global marketplace, there is a widespread assumption of agreement that economic interests must come first, and that other important policy considerations are subordinate, or even optional. This assumption is not correct, as has been demonstrated by, for example, the widespread international condemnation of the decision by the Government of the United States of America to withdraw from the Kyoto Protocol process, and the growing international reaction against legal proceedings instituted by pharmaceutical companies to obstruct measures being taken by South Africa and other developing countries to promote affordable access to life-saving drugs. The reaction to these regrettable developments indicates that many governments and many people around the world do not accept the absolute priority of short-term, narrowly economic priorities over other more fundamental priorities. The long-term sustainability of the environment upon which human life depends, and the protection of individuals and communities from life-threatening disease are clearly values that, ethically and logically, demand priority.

Although the human rights, and especially the economic, social and cultural rights, of vulnerable communities and people around the world have all too frequently been over-ridden by the dictates of economic liberalization policies, there is an instinctive and deep-seated recognition of the injustice of this situation - despite a superficial acceptance of free market rhetoric. This is not to suggest that economic liberalization is necessarily and in all cases inimical to human rights. Rather, it is to point out that human rights obligations (whether derived from treaty law or customary international law) have the character of fundamental legal obligations and are (as declared at the World Conference on Human Rights in Vienna in 1993) the first responsibility of governments. And it is to plead for deliberate rather than only incidental coherence of international economic law and policy with the fundamental and pre-eminent obligations in the area of human rights (especially economic, social and cultural rights).

In our submission, economic globalization is not an end in itself, but surely a means to an end. Economic law and policy should be formulated so as promote the realization of human rights objectives (such as an adequate standard of living, the highest attainable standard of health, education, self-determination etc.) for all. Accordingly, the starting point for developing economic policy should be an understanding and acknowledgment of the applicable human rights obligations rather than, as is still too often the case, a deliberate insulation of the economic sphere from all other so-called 'extraneous' issues.

There are, nevertheless, some positive signs of an increasing preparedness on the part of some governments to consider the interrelationship between economic matters and human rights. In this regard, we would like to highlight in particular the submission made late last year by Mauritius in the context of the negotiations in the WTO on the Agreement on Agriculture. This submission constitutes the first attempt by any country, so far as we are aware, to introduce its applicable human rights obligations into a WTO negotiating process. And we note that the human rights implications of several recent disputes in the WTO dispute settlement body are increasingly being recognized, and attempts are being made, by NGOs at least, to remind the WTO's dispute settlement mechanisms of the applicable human rights law in these cases.

These first tentative steps need to be supported and encouraged by the human rights programme. We are very appreciative of the work already being undertaken by the Sub-Commission on the Promotion and Protection of Human Rights and by the Committee on Economic, Social and Cultural Rights in addressing the human rights implications of economic globalization. We also consider that the increasing recognition given to economic, social and cultural rights by the establishment of relevant special procedures of the Commission on Human Rights provides new possibilities for analysis and action.

Indeed, we greatly appreciate the increased level of attention being given to the human rights implications of economic globalization in the reports and presentations to this session of the Commission by a number of the relevant mechanisms, including particularly the Special Rapporteur on the right to adequate housing, the Special Rapporteur on the right to food, the Independent Expert on structural adjustment policies and foreign debt, the Special Rapporteur on education, and the Independent Expert on extreme poverty. We believe that communication and coordination among these different arms of the UN human rights programme will be key to providing a credible and constructive approach to these issues. We hope that existing and future forums will be fully utilized to promote communication and coordination among the relevant mechanisms on the complex question of economic globalization and human rights.