

HUMAN RIGHTS IN THE GLOBAL ECONOMY - A COLLOQUIUM

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THE GLOBAL ECONOMIC CRISIS AND BEYOND: THE ROLE AND RELEVANCE OF HUMAN RIGHTS IN SHAPING ECONOMIC POLICY

“This unprecedented global financial and economic crisis requires
an unprecedented global response.” – Joseph Stiglitz¹

INTRODUCTION

1. The International Council on Human Rights Policy (ICHRP) and Realizing Rights propose a Colloquium bringing together a broad range of diverse and distinguished actors to discuss the relevance of human rights in thinking about the global economy.
2. The impact of the financial crisis, sparked by multiple failures of states and markets alike, is felt in the link between ‘economic failure and social distress’. The poor, already in crisis, are disproportionately affected; it is feared that an additional 60 million people will be pushed into poverty as a result.²
3. Bail-outs for banks and economic recovery programmes on an unprecedented scale have been mounted, in the name of restoring economic stability and addressing poverty, unemployment, homelessness and social insecurity – all key human rights concerns. Yet, the engagement of key governmental and inter-governmental economic actors with human rights and prominent human rights organisations with the crisis and post-crisis scenario has been far from decisive.
4. Human rights are clearly relevant to the economic crisis but they are also almost completely absent from the discourse of key national and international economic actors. Why? What has prevented prominent human rights actors from being at the forefront of initiatives to deal with the economic crisis? Why are national and international economic actors reluctant to engage with the human rights framework? Is it because they would lead us into difficult territory? Or, is the human rights framework ill-equipped to engage with the crisis? How are human rights relevant in interpreting the crisis and (re)designing the global economic architecture? Do they have a role at all? If so, what is it and how can it be fulfilled? The Colloquium will open these and other questions, seeking answers through dialogue and discussion.

¹ Introductory Remarks to The Commission of Experts of the President of the UN General Assembly on Reforms of the International Monetary and Financial System, 5 January 2009, available at www.un.org/ga/president/63/commission/i_remarks.pdf.

² This is in addition to the 125 million people pushed into poverty as a result of the rise in food prices between 2006 and 2008. UN Independent Expert on the question of human rights and extreme poverty, Magdalena Sepúlveda Carmona, at the 10th special session of the Human Rights Council: "The Impact of the Global Economic and Financial Crises on the Universal Realization and Effective Enjoyment of Human Rights" Friday, 20 February 2009.

PURPOSE AND OUTCOMES

5. The global economic crisis is acknowledged as having claimed “many innocent victims, from workers who lose their jobs, families who lose their homes, children whose education gets interrupted, retirees who see their life savings disappear”.³
6. The ILO estimates that the number of people unemployed in 2009 is likely to increase by somewhere between 18 to 50 million in comparison to 2007.⁴ The “economic and political failures lead, in turn, to social consequences”⁵ including the undermining of civil, economic, political and social human rights.
7. The Colloquium is an invitation to go beyond the boundaries of received wisdom to assess the many complex issues and challenges raised by this unprecedented crisis for the protection and promotion of human rights, especially those of the poor. The primary objective is to create a non-partisan, dialogic space where policy-makers, experts and practitioners from the fields of banking, development, economics, finance, trade and human rights can engage in a constructive exchange of views and perspectives.
8. The Colloquium will enable the wide range of practitioners, and human rights advocates in particular, to benefit from the expertise and experiences of each other and enrich their understanding regarding a) the role and relevance of the human rights framework and principles in engaging with the impacts and guiding responses to the crisis; and b) the development of a better understanding of the complex questions involving the intersection of economic and monetary policy and human rights more generally. In addition, the Colloquium could open possibilities of new partnerships between different actors in exploring solutions to the challenges of integrating human rights into policy responses to the crisis.
9. The Colloquium is especially important because thus far discussions and conversations in the search for solutions to the crisis have taken place with little or no interaction between the human rights fraternity on the one hand, and the economic, trade, finance and banking community, on the other. Envisioned as a multi-disciplinary forum, the Colloquium will bring together experts and practitioners from these diverse fields and contexts with the understanding that the unprecedented and global nature of the impacts of this crisis merits a collective response beyond pointing to specific and general failures of governments, institutions and markets, whether in the global North or South.

KEY QUESTIONS AND ISSUES FOR DISCUSSION

10. There are a wide range of issues that the global economic crisis has brought to the fore including the need to revisit traditional macroeconomic doctrines and recipes, in particular monetary and fiscal policies, the management of global institutions, management and regulation of financial, capital markets and exchange rate systems, corporate governance and the role of the private sector, and the role of public finance and central banks. All these issues

³ The Commission of Experts of the President of the UN General Assembly on Reforms of the International Monetary and Financial System, Key Perspectives, available at www.un.org/ga/president/63/commission/i_remarks.pdf.

⁴ Ibid.

⁵ Introductory Remarks by the Chairman, Joseph Stiglitz, The Commission of Experts of the President of the UN General Assembly on Reforms of the International Monetary and Financial System, 5 January 2009, available at www.un.org/ga/president/63/commission/i_remarks.pdf.

arise in the context of a host of national, regional and international economic, political and social asymmetries.

11. Arguably, the global human rights framework and mechanisms do not address the whole gamut of issues pertaining to economics, trade, development, banking and finance involved in understanding and responding to the crisis. Over the last few decades the global discourse and mechanisms on trade and finance, development, and human rights have significantly expanded, mostly in parallel, if not in contrast, to each other. At the same time, notwithstanding many gains in social development, poverty and disenfranchisement continue in some parts of the world to expand.

ENGAGING WITH THE IMPACTS OF THE CRISIS

12. As the UN High Commissioner for Human Rights has stressed “[s]tates are not relieved of their human rights obligations in times of crisis. Rather, measures to protect not only the economic and social rights but also the civil and political rights of those groups and individuals most adversely affected and marginalized by the crises must be put in place as matters of both urgency and priority”.⁶ How can practitioners and policy-makers use the human rights framework to both monitor and guide policy responses to the crisis to ensure that they actually result in the best human rights outcomes, especially in the case of the most marginalised and vulnerable? How can human rights provide a degree of focus in dealing with the impacts of the crisis in the midst of the raging debates around the causes and solutions to the crisis? What are the challenges and possibilities for human rights practitioners to position themselves and their advocacy more effectively in this context? While all governments launch policy responses to the crisis it is clear that there is a need to ensure greater transparency and participation, minimize corruption, and enhance accountability as well as access – what tools can human rights practitioners employ to ensure the best human rights outcomes of these policy measures?
13. It is quite clear that the “solutions to the present crises should not be premised on re-establishing or saving a failed system, but on changing it”.⁷ Can the human rights framework and principles contribute to such change? If so, what and how? The domino effect of the crisis and the rapidity with which the crisis has spread has also led to calls for greater national and regional protective boundary maintenance. At the same time, there are also serious concerns over the impact of the crisis on the flow of development assistance, debt restructuring and availability of resources for achieving global agreed development goals, all of which may have significant human rights impacts. How could these developments impact initiatives to counter climate change, eradicate poverty and the achievement of the Millennium Development Goals which require global cooperation and action?

⁶ Ibid.

⁷ Jubilee South in Civil Society Consultation on the Work of the President of the UN General Assembly’s Commission of Experts on Reforms of the International Monetary and Financial System, a compilation report prepared by the UN Non-Governmental Liaison Service (UN-NGLS), New York and Geneva, 2009, p. 7: www.un-ngls.org/IMG/pdfNGLS_CS_Consultation_on_Work_of_the_President_s_Commission_on_Financial_Reforms.pdf.

RESPONDING TO THE CRISIS AND BEYOND

14. It has been suggested that “what we face at the moment is a potential human rights crisis arising from an inappropriate response to the economic crisis”.⁸ A large number of different solutions have been advanced, many of them centering on more effective regulation of financial markets, higher standards of corporate governance including transparency, stronger international cooperation, and reform of existing, or the creation of new, international institutions and regulatory mechanisms, as well as changes to international and multi-lateral trade, exchange, financial and banking systems and the creation of a new credit facility and special drawing rights without the usual conditionalities, debt cancellation and restructuring, and proposals for regional monetary systems and pooling of reserves etc. National responses have centered on a range of economic stimulus packages, bail-outs and recue packages targeting individual tax payers, companies or economic sectors, and moves to change the regulatory architecture in the finance and banking sectors. What, if any, is the role of international human rights mechanisms in relation to these proposals? Can human rights principles provide benchmarks and directions for forward movement on such proposals? If so, how? If not, how can these proposals be consistent with the global human rights architecture?
15. All the debates and discussions around proposed solutions invariably point to a wider set of issues around global governance, or the lack of it. To what extent are questions of the weaknesses in the regulation of global capital and finance related to the wider concerns around the fragmentation of international law? What is the impact of such fragmentation ‘into a number of self-contained regimes’⁹ on the nature of state obligations? How does one square the peremptory nature of human rights norms under international law with the fact that states may find it economically or even politically costly¹⁰ to set aside, for example, trade rather than human rights obligations? How can the human rights framework and international mechanisms act as a glue to bind together the international community in this context?
16. Last but not the least are a raft of questions around accountability – an idea central to human rights. Questions of accountability arise both in domestic and transnational contexts both in the crisis response and post crisis context. The ‘failures’ of financial institutions, regulatory mechanisms and other national and international actors all underline the need for mechanisms that will ensure that individuals and entities are held responsible for these ‘failures’ that result in significant social distress and erosion of economic and social security.

OUTCOMES AND GAINS

17. The Colloquium would enable:
 - a. The creation of a non-partisan, dialogic space where policy-makers, academics and human rights advocates and others can engage in a constructive exchange of views and perspectives;
 - b. Policy-makers, academics and human rights advocates to benefit from the expertise and experiences of each other to enrich their own understanding;

⁸ Interview with Daniel Seymour, Chief, Gender and Rights Unit Division of Policy and Practice UNICEF available at <http://hrba.vrl3.com/insight/?p=47>.

⁹ Report of the Special Rapporteur on the Right to Food, Olivier De Schutter, Addendum, Mission to the World Trade Organisation (25 June 2008), A/HRC/10/5/Add.2, 2 February 2009, para 34.

¹⁰ Ibid.

- c. The development of more informed responses to complex questions involving the intersection of public policy and human rights;
- d. Open possibilities of new partnerships between different actors in exploring creative solutions to human rights policy issues; and
- e. The development of a policy agenda drawing on a wide range of leading experts from all the different relevant fields of expertise.

FORMAT

- 18. In keeping with the open-ended spirit of the Colloquium, it will be dialogic and interactive. All participants are understood to bring their unique perspectives to the discussions and debates. The Colloquium will rely on a mix of modes of discussion and formats including, interviews or 'Hard Talk' type questions and answers; symposium style debates; group discussions; and panels.
- 19. Following on from the broad thematic focus there will be a number of other spaces (in the formats indicated above), running if necessary in parallel, to explore certain specific sub-themes and issues relevant to the umbrella theme. Each Colloquium will also have rapporteurs and reporting to ensure that discussions are captured and disseminated to all participants.
- 20. In principle, each Colloquium will see a healthy balance of participants from the government, inter-government, advocacy/campaigning, and academic worlds as well as other relevant fields. Participation will be mostly by invitation and represent a mix of the well-known and emerging names in the relevant fields.
- 21. The Colloquium will place a high value on giving all participants space to express their views and engage in free and frank discussions. Each Colloquium will result in a report that will capture the various strands of discussion and debate and highlight the key questions, issues, insights and possible ways forward in terms of research, policy and advocacy.

The Annual Human Rights Policy Colloquium

INTRODUCTION

- 22. The vision of the International Council on Human Rights Policy (ICHRP or the Council), as laid out in its Mission statement, is "to act as a forum for applied research, reflection and forward thinking on matters of international human rights policy. In a complex world in which interests and priorities compete across the globe, the Council identifies issues that impede efforts to protect and promote human rights and proposes approaches and strategies that will advance that purpose."
- 23. Central to the Council's methodology in all of its research is the stimulation of dialogue and exchange across the non-governmental, governmental and intergovernmental sectors, and the mediation between competing perspectives. For a decade, in the course of its research projects, it has brought together human rights practitioners, scholars and policy-makers, along with those from related disciplines and fields on various dimensions of human rights policy. The Council has completed over 30 research projects on a wide-range of issues following this methodology. These projects have enabled the Council to develop considerable expertise in convening and facilitating dialogue and discussion between different communities of knowledge and practice relevant to human rights policy. The Council now seeks to translate its learning and

expertise into the development and facilitation, in association with other partners, of a strategic and dynamic human rights policy forum-building initiative – the Annual Human Rights Policy Colloquium.

24. The objective of the Colloquium is to create a forum where key actors who can influence the direction of human rights policy – scholars, advocates and policy-makers – come together to deepen analysis, develop strategies and enhance their capacities to influence policy.
25. Each Colloquium will focus on exploring in detail the human rights policy dimensions of major contemporary socio-economic and political concerns of relevance to global public policy. The first Annual Human Rights Policy Colloquium proposed to be co-organised with Realizing Rights will focus on “*The Global Economic Crisis: The Role and Relevance of Human Rights in Shaping Responses*”. The mission of Realizing Rights, “to put human rights standards at the heart of global governance and policy-making and to ensure that the needs of the poorest and most vulnerable are addressed on the global stage”, and their engagement over the years with economic actors will add considerable value to the process of shaping and convening the Colloquium.
26. The Colloquium is envisioned as an open space for ideas, which participants enter with the understanding that all approaches/ideas are open to question, including the relevance of scholarship, positions of advocacy and assumptions of policy-makers. The overarching goal is to create a space that lays a better foundation for human rights engagement with public policy.
27. The Colloquium is also a strategic forum – one that attracts not just the policy bureaucracy but also key political leaders and decision-makers within governments and inter-government institutions.
28. The Colloquium will fill an important gap by creating a space for reflection and analysis, which can bring together different communities of knowledge and practice that shape and influence public policy and the different views within them. While forums and spaces that are predominantly academic tend to have a limited policy focus, NGO/advocacy forums are more centred on developing positions and mobilisation. Similarly, more formal policy related forums convened by governments or inter-government organisations tend to be bound by their own institutional priorities and agendas, and are typically less open-ended.