

issues, in particular the safety of their water supply. Under NAFTA, the refusal to grant permission to open a dump was considered an act of "expropriation". Mexico was ordered to pay \$16.7 million (US) to Metalclad in compensation!

For more information, visit  
Canadian Environmental Law Association: [www.cela.ca](http://www.cela.ca)  
Resource Library for the Environment and the Law:  
[www.ecolawinfo.org](http://www.ecolawinfo.org)

### *Rights of Intellectual Property*

*"The States Parties...recognize the right of everyone to take part in cultural life; to enjoy the benefits of scientific progress and its applications; to benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author."*  
Article 15, International Covenant on Economic, Social and Cultural Rights.

International human rights law covers the rights of the authors of all kinds of intellectual property—from scientific inventions to indigenous traditional designs, knowledge and medicine. However, current international trade law is biased towards the protection of the intellectual property of large multinational corporations.

The WTO's agreement on Trade-Related Intellectual Property, known as TRIPS, provides protection for multinational corporations to profit from original inventions. Significantly, 97% of the world's patents are held by corporations headquartered in industrial countries. At the same time, indigenous peoples in the Americas are being robbed of their collective rights to land, culture and traditional knowledge. Indigenous women are particularly penalized.

Under the current interpretation of trade law, a company's right to a patent can override other human rights – even the right to life! The US is currently challenging Brazil's generic drugs program, which has been a success story in terms of Brazil's ability to protect the right to health of its citizens by providing medication for the treatment of HIV/AIDS. The revolutionary program in which Brazilian pharmaceuticals produce anti-retroviral drugs at a fraction of the price charged by

US companies, allows Brazilian authorities to dispense the life-prolonging medication to 95,000 AIDS patients in Brazil. In January 2001, US trade officials lodged a complaint at the WTO. The WTO will now decide whether or not Brazil is violating the TRIPs agreement.

For more information, visit:  
The American Association for the Advancement of Science:  
[www.aaas.org](http://www.aaas.org)  
Médecins sans frontières - Canadian section: [www.msf.ca](http://www.msf.ca)

## WHAT CAN WE DO

### Mission Statement:

The New York City People's Referendum against the Free Trade Area of the Americas (FTAA) is a grassroots coalition of organizations and individuals that is part of the national and hemisphere-wide Global Justice and Fair Trade movement to stop so-called "Free Trade" agreements like the Central American Free Trade Agreement (CAFTA) and the FTAA. These agreements are now being negotiated in secret by governments and multinational corporations. Our aim is to reclaim democratic control over this decision-making process by raising awareness, organizing concerned people, and showing elected leaders—through a referendum—just how many people are against these pro-corporate, anti-labor, anti-environment, anti-democratic agreements.

### NYC Referendum:

In order to coordinate this city-wide referendum on the FTAA and CAFTA, we meet regularly to strategize community and media outreach, congressional concerns, and to plan town hall meetings in each borough to educate ourselves and the public about the effects of free trade.



NYC People's Referendum  
130 W. 29<sup>th</sup> Street, 9<sup>th</sup> Floor  
NY, NY 10001  
(212) 760-0333  
[www.FTAAreferendum.org](http://www.FTAAreferendum.org)

Come join us on the 1<sup>st</sup> Wednesday of every month at 7pm!

### WHY HUMAN RIGHTS ACTIVISTS SHOULD CARE ABOUT THE FTAA & CAFTA

(FREE TRADE AREA OF THE AMERICAS and the CENTRAL AMERICAN FREE TRADE AGREEMENT)



*"We live in a world where it is more serious to break trade rules than it is to violate human rights."*  
- Warren Allmand, Rights & Democracy

Human Rights Promised

In 1948, the United Nations adopted the Universal Declaration of Human Rights (UDHR), thereby establishing for the first time that human rights were actually universal principles that cut across boundaries of national sovereignty, religion, race and culture. These rights include civil, political, economic, social and cultural rights.

Subsequent treaties on specific categories of human rights were negotiated and adopted by many of the UN member states. Once ratified, these agreements are legally binding on governments.

References:  
UN human rights treaties: [www.unhchr.ch](http://www.unhchr.ch)

## Human Rights Ignored

The growing trend of economic globalization has had an impact on the respect for international human rights standards. Governments systematically fail to consider their human rights commitments when they negotiate trade agreements. Most international trade decisions are made behind the closed doors of international summits and private meetings where citizens cannot participate.

Fuelled by the secretive nature of the negotiations, many fear that the Free Trade Area of the Americas (FTAA) and (CAFTA) will subjugate human rights to "investor rights" and override our elected representatives, whom we have chosen to make the decisions that will protect our rights. No Parliament in the hemisphere has reviewed the agreement.

## Human Rights Threatened

### *Right to Food*

*"Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing..."* Article 25, Universal Declaration of Human Rights.

The United Nations has suggested that states should "ensure that the right to adequate food is given due attention and consider the development of further

international legal instruments to that end." Yet, rapid liberalization of agriculture prevents small farmers in developing countries from competing with transnational agro-businesses, which are generally headquartered in developed countries.

This argument has been illustrated by the case of corn production in Mexico. In 1994, when the North American Agreement on Free Trade (NAFTA) opened Mexico's agricultural market, the sudden influx of cheap US corn had a devastating effect on domestic production of corn in Mexico. The rapid liberalization of corn trade under NAFTA was a crucial part of an economic policy mix which led to a loss of income for many farmers, a decrease in output, a loss of genetic diversity, an increase in migration, higher food prices, and for many small farmers, the destruction of a way of life. These developments have compromised Mexico's food security and indeed the right of many Mexicans to food.

For more information, visit:  
The Institute for Agriculture and Trade Policy: [www.iatp.org](http://www.iatp.org)  
Institute for Food and Development Policy: [www.foodfirst.org](http://www.foodfirst.org)  
Red Mexicana de Acción Frente al Libre Comercio: [www.rmalc.org.mx](http://www.rmalc.org.mx)  
FoodFirst Information- & Aktions- Netzwerk: [www.fian.org](http://www.fian.org)

### *Right to Education*

*"Everyone has the right to education.... Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms."* Article 26, Universal Declaration of Human Rights.

The terms of an eventual FTAA agreement on trade in services, currently being negotiated, could pressure countries with weaker economies to open up their educational sectors to private foreign investment in order to gain access to markets for their exports in countries with stronger buying power. In order to sell clothing abroad, for example, a country might open up its education sector at home. Many of the countries in Latin America have already been forced to open their education sectors as a condition for receiving much-needed loans from the World Bank and IMF. These cases provide us a lens through which we can view the future.

For example, Chile has been required by the World Bank to privatize a large portion of its educational institutions. During the past twenty years, the government of Chile has therefore reduced public expenditure on education by approximately 32%. It is not surprising that during this time, performance for students from upper classes improved, while those from poorer sectors of the population declined. As Education International has remarked, "the subordination of education to market forces may well undermine its accessibility and aggravate social inequalities." If this prediction comes true, then the right to education will be violated.

The Universal Declaration of Human Rights instructs all states to proceed in a spirit of international cooperation. It means developing a system of international relationships that enables states to protect and promote the rights of their citizens, including the right to education. This national capacity is threatened when the provision of educational services is opened up to private providers, often based in other countries.

For more information, visit:  
Canadian Centre for Policy Alternatives: [www.policyalternatives.ca](http://www.policyalternatives.ca)  
Education International: [www.ei-ie.org](http://www.ei-ie.org)  
Civil Society Network for Public Education in the Americas - CSNPEA: [www.vcn.bc.ca/idea/](http://www.vcn.bc.ca/idea/)

### *Right to Freedom of Expression*

*"Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek receive and impart information and ideas through any media and regardless of frontiers."* Article 19, Universal Declaration of Human Rights.

The right to freedom of expression includes two basic principles: the right to express oneself and the right to seek and receive information. These principles, together with the right of assembly, are cornerstones of a democratic society. While the FTAA itself may not violate these principles, its process of negotiation has led to violations around the free expression of dissent. Our right to seek and receive information is threatened by the secretive nature of the negotiations and the failure of our governments to publicly disclose the text.

Following the arrest of over 500 demonstrators at the WTO meeting in Seattle, the American Civil Liberties Union (ACLU) issued a report, which found the following violations had occurred:

- the creation of no protest zones
- surveillance and intimidation of demonstration organizers
- human rights violations by police officers, including inappropriate use of force on peaceful crowds, illegal arrests and mistreatment of detainees in custody

For more information, visit:

The American Civil Liberties Union: [www.aclu-wa.org](http://www.aclu-wa.org)

### ***Right to Health***

*The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of Physical and mental health.* Article 12.1, International Covenant on Economic, Social and Cultural Rights.

The ICESCR recognizes that enjoyment of the right is dependent on environmental and industrial hygiene. Yet free trade agreements have trumped environmental laws in several cases that have come before both NAFTA and WTO dispute settlement bodies. In some cases, these decisions have prevented our governments from protecting our right to health. More disturbing, they have created precedents that may result in similar decisions being taken under the FTAA unless we can do something now, before the agreement is signed.

The problem lies with the ability of corporations to sue governments when they believe that their "investor rights" have been violated. Several corporations have successfully argued that laws protecting the environment are impinging on the rights of investors to make a profit. Governments have paid out millions of dollars to private corporations in out-of-court settlements.

In 1996, a US-based company Metalclad accused the Mexican government of violating NAFTA's Chapter 11 when the state government of San Luis Potosi refused permission to open a waste-disposal facility. The local community was concerned about health and environmental