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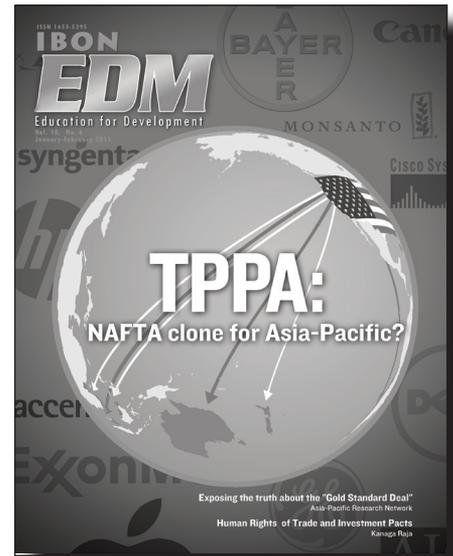
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Exposing the Truth about the “Gold Standard Deal”

by the Asia-Pacific Research Network



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From March 1 to 9, leaders from the United States, Malaysia, Peru, Australia, Vietnam, Singapore, Chile, New Zealand, and Brunei Darussalam, or the so-called P-9, gathered in Melbourne, Australia for the 11th round of negotiations on the Trans Pacific Partnership Agreement (TPPA).

The TPPA is a new multi-lateral free trade agreement (FTA) deemed as the “gold standard deal of the 21st century.” The aim of the TPPA is to achieve economic integration and seamless commercial transactions in the Asia Pacific. It is a move by the US to bypass the slow-moving negotiations in the World Trade Organizations (WTO) and create a platform for a Free Trade Area of the Asia Pacific (FTAAP).¹

Similar to the North American Free Trade Agreement (NAFTA) between the US, Canada, and Mexico, the TPPA will open all sectors of Asia-Pacific economies to foreign investment, remove barriers and tariffs restricting trade, and grant foreign investors and corporations the right to sue governments if their investments are threatened by the latter’s policies. Unsurprisingly, the TPPA has been called “the NAFTA of Asia Pacific.”

Although the TPPA will require changes in the constitutions of the participating countries, the negotiations are carried out in secret. The US and the negotiating parties aim to sign the deal without any direct intervention and scrutiny from the public. They also agreed not to release the text until it has been finally completed and signed. Civil society is kept out of the negotiations and can access only leaked documents, such as one on US proposals. On the other hand, corporations are stepping up their lobby efforts to advance their interests. The US government in particular refused to release the text but allowed over 600 corporate “trade advisors” full access to the documents.²

Nevertheless, more countries have expressed their intention to enter the negotiations: the Philippines, Taiwan, South Korea, Japan, and Canada. Their participation has yet to be approved by the P-9 countries.

The lack of transparency in the negotiations will render it difficult for citizens and civil society movements of the participating countries to hold their governments accountable for the results of the negotiations and the impacts on their economies and lives in general. Heightened liberalization and deregulation plus the elevated status of investors will only worsen the impacts of the current crises by further stifling the rights of nations and citizens to self-determination and sustainable development. Their livelihoods, environments and rights shall be placed in greater peril.

America's Pacific Century through the TPPA

Deeply shaken by the current global crisis, the US looks towards Asia's growing economies in the hope of tapping their markets to save its own economy. However, standing in its way is China's growing influence in the region and the possibility of an East Asian economic integration that will significantly impact US's sway over Asia Pacific. As a move to counter these obstacles, US Secretary of State Hillary Clinton announced during the November 2010 Asia Pacific Economic Cooperation (APEC) meeting in Honolulu, Hawaii that the US will pursue an American Pacific Century through renewed political, economic, and security ties in the region.

The Asia Pacific region is home to 40% of the global population. It is the world's largest market for US exports. Two-thirds of US agricultural exports go to this region, for instance. In 2010 US foreign direct investment (FDI) in Southeast Asia alone increased by USD23 billion.³

For the US, Asia Pacific is an important market that it has to protect and consolidate. JP Morgan Asset Management described the Asia Pacific as the "workshop of the world" because most of the goods used worldwide are produced in the region. Encouraging investors to invest in the region, JP Morgan further described it as home to "commodity-rich Australia, technology-focused markets of Korea and Taiwan, and the fast-growing China."⁴ Although certain risks are present in investing in the

region, its developing markets offer more potential for growth than the developed markets of the west.⁵

The US will utilize the TPPA, combined with increased military presence in the region, to re-channel the emerging Asian regionalism and to counter the expanding influence of China, thereby, securing US influence in the region.⁶

The lack of transparency in the negotiations will render it difficult for citizens and civil society movements of the participating countries to hold their governments accountable for the results of the negotiations and the impacts on their economies and lives in general.

ones. The TPPA will also elevate the status of investors to equal or surpass that of, not only local businesses, but also governments of the countries. This deal grants foreign corporations the right to sue governments when their investment interests are being threatened, and to demand that they be consulted before any law is passed that might affect their investments. It may even require governments to change their constitutions.

Lawsuits will neither be tried according to the laws nor through the courts of the "erring" country. Rather, trials will be heard in international courts such as the World Bank's International Center for Settlement of Investment Disputes whose arbitrations are held in secret. If a government loses, its citizens will have to foot the bill and pay the winning corporations through taxes.

The duty of governments to make important decisions in protecting their citizens should be fulfilled against the profit-driven interests of corporations. The effects of the attack on national sovereignty will be immediately felt by the citizens of the participating nations, as their governments are obliged to reformulate policies that will affect local economies, job security and social protection of workers, public services, and the environment.

Impacts of the TPPA

Power to the corporations, not people

The TPPA will be a trade and financial liberalization bonanza. It will grant corporations access to all economic sectors of the participating countries; and of course, the more powerful countries will reap greater benefits than the weaker

Jeopardizing local agriculture and food security

The worries of local businesses such as the dairy and agricultural producers of New Zealand, Japan, and even the US are not at all unfounded. Trade liberalization will further open the gates of local economies to the tide of cheap agricultural imports that will flood local markets. Under NAFTA, Mexican farmers lost their livelihoods because they could not compete with the more modern and subsidized agricultural industry of the US which dumped its agricultural products in Mexico.

Meanwhile, the so-called “extended intellectual property rights” (EIPR) awarded to corporations, including agricultural giants like Monsanto, can be expected to discourage local agriculture, as proven by various experiences. Monsanto is known to sue farmers near its neighboring plantations for “stealing” their patented plants, when in reality it is the GMO plants that contaminate neighboring plants through cross pollination. With its superior resources, the corporate giant has the upper hand in law suits to discourage local farmers from planting and eventually to force them out of their lands. Terminator seeds produced by Monsanto will keep farmers dependent on its technology for them to be able to plant. Moreover, farmers cannot expect support and protection from the government since the corporation can sue the government to remove any farmer-protection policies that will affect its investments.⁷

For neoliberal economists, this is just an issue of rooting out weaker businesses from the market competition. However, for local producers, especially the small-holder farmers, fisher folk, and workers, this means loss of livelihood, cultural identities, and traditional indigenous knowledge.

Attack on jobs and justice

Trade agreements should help bring genuine development and improve the lives of the citizens of the parties. However, the TPPA will do just the opposite. The liberalization and deregulation of economies can cause migration of industries to countries where the rate of profit is higher due to cheaper labor and raw material inputs. These countries also have weak environmental and labor protection laws. The migration of industries causes mass layoffs in origin countries and a superficial

kind of industrial development in the recipient countries. Such industrial shifts will not automatically spell a win for the workers of the countries where the manufacturing businesses migrate.

Looking at the NAFTA experience, US manufacturing industries moved to Mexico where labor is cheaper. Workers in industrial cities in California, New York, Michigan, and Texas suffered lay-offs. Companies that stayed in the US threatened to migrate to Mexico and used this as a leverage to be able to freeze the wages and benefits of US workers. Workers in the Mexican *maquiladores* (export processing zones) on the other hand suffered severe exploitation. They had no labor rights and no health benefits, and worked for as long as 12 hours. Women were discriminated against by having to take pregnancy tests before applying for jobs.⁸

The collapse of local economies and communities caused by the flooding of imports and ecological breakdown will intensify rural-to-urban and international migration, as workers and communities move from one place to another in the hope of finding new sources of livelihood. This creates another set of compounding problems such as brain drain, international security, overcrowding of urban centers, food insecurity, downward pressure on wages, and even ethnic and racial discrimination against migrant workers.

Moreover, investor rights give corporations more leverage in pressuring governments to change their labor and social protection policies if these are seen as infringing on investment opportunities. Corporations can use the carrot-and-stick tactic with a government: entice it with the supposed jobs and taxes that their investments will generate, on one hand, and threaten to file hefty lawsuits or look elsewhere for more “accommodating” governments if it chooses not to give in to their demands.

This is what exactly happened when the New Zealand government changed its labor laws upon being pressured by Time Warner Company in filming the *Hobbit* movies. Aside from allowing the company to remove the actors’ rights to unionization, strike, and benefits such as holidays and sick pay, the New Zealand government also

arranged a \$25-million tax break for Time Warner when it threatened to shift filming elsewhere.⁹

Corporate profit over public interest

Citizens have the right of access to social services such as health care, access to water and energy supply, and education. Corporate control will make these vital and important services inaccessible to the people, especially to poor and marginalized sectors.

Access to water and energy will also become costlier once big firms take over through privatization. The residents of Buenos Aires, Argentina paid higher water bills after the US water company Azurix took over the operation of the water facility. When the local government attempted to cap water prices, Azurix with its King & Spalding law firm filed a lawsuit. The investor-state tribunal decided in favor of the water company and awarded it \$165 million from the taxes of the Argentinean public.¹⁰

Liberalizing the education sector also raises questions on whether the education system is producing graduates needed for genuine industrial development, not just skilled labor for multinational corporations. Already, the Vietnamese government allows foreign investment in its education sector to accommodate the demand of large multinational corporations for skilled labor.¹¹ The TPPA could also impact on educational content, especially on the formation of the national consciousness of citizens. The TPPA's demand that the media policies that support local cultural content be abolished could also be applied to education policies.

In health care, the stringent IPR rules that the US promotes extend the patent and data monopolies of corporations. This extension will delay the creation of generic medicines and allow big pharmaceutical companies to keep the prices of medicines high. It also allows corporations in general to apply evergreening tactics to hold on to their patents longer even without any improvement in the use and efficiency of their products. As a result, medicines that are highly needed such as anti-AIDS/HIV drugs will continually be out of reach for those who need them. New Zealand's Pharmac, which buys medicines at low prices and sells them to citizens at equally low prices, could be dismantled once the TPPA is enforced.

Tobacco firms will enjoy more freedom in selling their goods by the abolishment of standard packaging rules countries set to control tobacco use. The strong tobacco lobby can sue governments with strict rules on tobacco packaging and demand the repeal of these laws.

Aside from flooding the local markets with cheap imports from foreign countries, the entry of unsafe food items because of the abolishment of proper labeling and lax border controls is also a concern. Agricultural companies for example will not be required to indicate whether their products were grown using GMO or not. On the other hand, the increase of food imports in the United States from Canada and Mexico caused by the implementation of the NAFTA was accompanied by an increase in food-borne illnesses. This purportedly stemmed from lax inspection of agricultural imports that entered the US.¹²

Environmental plunder at its finest

Liberalized economies and greater investor rights will allow large extractive industries to enjoy unbridled plunder of the natural resources and environmental destruction of their host countries. This will further deprive the people in host countries of their right to use their own natural resources for economic development and renders their communities more vulnerable to environmental disasters.

To accommodate NAFTA demands, the Mexican government amended the country's constitution in 1993 to allow open-pit mining, foreign ownership of companies engaged in natural resources, and the sale of protected communal lands. This ushered in Canadian mining companies seeking to mine gold and silver in Mexico.¹³ Despite people's protest, Canadian-owned gold and silver mining company Minera San Xavier was able to operate at Cerro de San Pedro in San Luis Potosi, Mexico. The residents of Potosi were concerned that mining operations in an arid climate will deplete and poison the underground aquifer that they rely on for water supply. Even after the federal tribunal ruled that the mine should not proceed because it will violate important environmental laws, the Mexican government still allowed MSX to operate. After another series of legal battles and civil disobedience actions, the Mexican government was forced to give in to the

people's demands and closed the mine in 2009. In 2010, however, it was found out the MSX has once again started its operations with the backing of the Mexican officials and the Canadian embassy in Mexico.¹⁴

Promoting green washing

The TPPA also supports trade in environmental goods and services. This, however, does not mean that countries will enjoy easy access to technology and services in solving the climate crisis for example. The US proposes to extend the copyright terms and banning of parallel importation of goods from other countries without the permission of copyright holders.¹⁵ These will enable corporations to hold monopoly over certain goods and services and charge higher prices for them. Moreover, the efficacy of these products in preventing or containing carbon emissions is still being disputed. With the TPPA, destructive and dirty technologies masked as “green” technologies such as “clean coal” power plants and large hydropower dams will freely enter the participating countries. Dubious market mechanisms such as carbon trading can also proliferate.

Further privatization of the commons

The extent of the IPR rules can lead to the further privatization of the commons for the benefit of corporations. According to the US-designed IPR rules, patent claims can be applied on animals and plants, and on diagnostic, therapeutic, and surgical methods for the treatment of humans or animals. With its vague pronouncement of what can be excluded from patenting,¹⁶ almost anything that corporations can think of monetizing will be patented and “owned” by them.

Timber companies could rush in and buy off tracts of forests, which they can cut down to create timber plantations at the expense of communities and indigenous peoples that are dependent on forests for livelihood.

In 1993, UK-based non-profit organization Society for Environmental Exploration organized a biodiversity

conservation expedition in Vietnam called Frontier. During the ten-week expedition, “volunteers” collected plant and insect examples from Tam Dao Nature Reserve and the Ba Be National Reserve and took them out of the country without getting appropriate permissions from authorities. It was later found out by Chris Lang, a British environmentalist who joined the expedition, that the samples were submitted to research institutions and are already being tested for their medicinal value. All of

Timber companies could rush in and buy off tracts of forests, which they can cut down to create timber plantations at the expense of communities and indigenous peoples.

this happened without the knowledge of the people from the communities from which the samples were taken.¹⁷

The experiences of the Philippines and Papua New Guinea with privatizing

the commons are worth mentioning as these countries are also in the Asia Pacific — potential members of the TPPA once it expands its membership.

In the Philippines, even without FTA rules to aid the process, US-based pharmaceutical company Neurex, Inc. has already patented the Philippine sea snail (*Conus magnus*) from which the pain killer SNX 111 or Ziconitide was derived.¹⁸ Apparently, not only plant and animal life are being patented by corporations. Even human tissues are on the way of being “privatized”. The anti-leukemia drug was made by medical anthropologist Carol Jenkins and her company from the tissue samples of the Hagahai tribe's people in Papua New Guinea without them knowing what they were giving Jenkins in exchange for the soap, candies, and chocolates. Through the help of NGOs, the Hagahais sued and were compensated. But the patent and the medicine remained with Jenkins and her company. With the TPPA, this practice can become commonplace. Suing companies will be more difficult as they are protected by the investor rights.¹⁹

Violation of indigenous people's rights

Foreign investments on agriculture and extractive industries often encroach on the ancestral lands and territories of indigenous peoples. The TPPA can worsen these attacks of corporations on the communities of indigenous peoples.

In Mexico, part of the constitutional changes that the Mexican government made in 1993 to accommodate the NAFTA was the removal of Article 27, which protects Indian territories from sale or privatization. As a result, indigenous peoples in Mexico are left unprotected from the loss of their remaining lands. Because of this, the Zapatistas called NAFTA “a death certificate for the Indian Peoples of Mexico.” On January 1, 1994, the day that NAFTA came into force, the Zapatista National Liberation Army declared war on the Mexican government. They stormed and occupied four county seats in the Chiapas area. However, their rebellion lasted only 12 days as the ill-equipped peasants were no match for the firepower of the US-backed Mexican army. Amnesty International recorded gross human rights violations during the short-lived war and years after. Arbitrary arrests, summary executions, torture, and house-to-house raids were allowed by the Mexican government to subdue Chiapas.²⁰

Conclusion

FTAs are notorious vehicles of the neoliberal market-driven development agenda of economic liberalization and deregulation. They render less developed economies vulnerable to the onslaught of investments and cheap imports from more developed countries. They create conditions that allow corporations to hinder national industrialization and sustainable development and to violate human rights. Unequal levels of development among countries give more leverage for rich countries to expand and grow at the expense of poorer countries. In this sense, “free trade” between unequal countries is unequal trade.²¹

The US has to fast track the advancement of the TPPA negotiations primarily to restore economic growth through multilateral trade. The US experienced merchandise trade contractions, both in import and export, as repercussions of the global financial crisis on its bilateral trade.²² The US is active in the TPPA negotiations to ensure the provisions will favor its corporate interests against new participants. Securing American corporate interests may also ensure US business support for President Obama’s reelection campaign in November 2012.

The TPPA will not solve the continuing crisis faced by the US. Its efforts to consolidate hegemony in the region can only lead to intensified conflicts. For the people, the TPPA only means further plunder of their natural resources, collapse of their local economies, loss of jobs and increasing exploitation, privatization of social services and the public commons, and violation of their human rights.

Trade between nations should be fair and equitable. Economic development from trade deals should foster national industrialization and sustainable development and benefit the people in developing countries. We need to be vigilant and united in exposing and resisting this “gold standard deal,” the glitter of which merely hides a decrepit and rusty neoliberal swindle.#

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Philippine labor protests 10th year of contractualization

by Maria Salamat, Bulatlat

More than 60 percent of Filipino workers today suffer job insecurity and persistent case of “endo,” short for “end of contract”, every three to five months.



bulatlat.com

MANILA — Last February 16, the hundred-plus janitors of the Polytechnic University of the Philippines (PUP) were gripped with terror when they reported for work and found almost 200 new workers ready to take over their jobs. The new janitorial agency contracted by the university had brought in new people.

“We wasted no time,” said Rey Cagomo, president of the janitors’ organization, the Samahan ng Janitors sa Polytechnic University of the Philippines (SJPUP). They assembled themselves, brought in a sound system, laid down placards on the ground and started a program. “We showed the PUP administration that we are united and determined to fight for our jobs and our lives,” Cagomo said.

What was supposed to be an ordinary working day for the janitors turned into a picket-protest in front of the PUP main building, as they demanded to be retained and absorbed as regular university workers.

Their mass action prompted the PUP administration to hold a dialogue with the union, together with representatives of students and teachers. They later crafted an agreement, which stipulated that the workers will be absorbed by the new agency for a one-year contract.

The workers viewed the temporary victory as just “another step forward” in their struggle to become regular employees of the university. “We will be absorbed, which is good, but still as contractuels,” said Cagomo.

Apparently, such struggle happens on a yearly basis for these janitors who have been working in PUP for many years now. “Every year, we face the prospect that we will not be absorbed by the new agency to which the PUP administration will grant a new contract,” Cagomo said.

Scourge of Filipino workers

More than 60 percent of Filipino workers today suffer the same job insecurity. In fact, they have coined a name for it — “endo,” short for end of contract. Most workers suffer this every three to five months.

The modus operandi in contractualization includes giving workers a three- to five-month work contract, even in jobs that are considered essential to a company’s nature of business and not just janitorial or maintenance services. Some of the biggest examples are the tens of thousands of contractual workers employed by firms operating in special economic zones, who reportedly work on its main production lines but remain contractual, not regular.

Other examples are the workers of broadcasting giant ABS-CBN, shopping mall chains such as Henry Sy’s SM malls, and even big blue-chip firms such as Meralco (electric power), PAL (airline), PLDT (telecommunications), Nestle and Dole Philippines (food), and the country’s biggest banks.

The job contractors can either be the chief employers “directly hiring” the contractuels, or another agency supplying the employers with contractual employees. The worst fate that could happen to contractual workers was to be killed in workplace accidents “waiting to happen,” like what happened to workers who fell to their deaths while constructing an Eton condominium in Quezon City, and the fatal accidents in the Subic ship repair facilities in Zambales. Labor advocates said contractors and main employers shirking their responsibilities for ensuring occupational safety underscores the dismal working conditions of the contractual employees, and the lack of direct accountability by the main employers.

The reason why workers’ contracts usually cover a maximum of only five months lies in the Labor Code stipulation that workers employed for more than six months must be given regular status, and provided the benefits, higher wage rates, and job security provided by law to regular workers.

Under contractualization, an employer can avoid regularizing his workers by simply renewing their contracts periodically before their six months are up. As

perennially contractual workers, their wages are often lower while their benefits are lesser if they receive some at all.

“Contractualization has long been a scourge to workers across the country,” said Elmer “Bong” Labog, chairman of Kilusang Mayo Uno [“May First Movement,” the Philippines’ militant and nationalist trade union center]. He blames this employment scheme for having plunged workers “deeper into the status of slaves.”

“Contractuals who comprise the majority of the country’s workers receive lower wages, do not receive benefits, have no job security, and are denied their trade union rights,” Labog added.

DOLE-designed

The Department of Labor and Employment (DOLE), rather than intervening on behalf of the labor sector, instead gave employers “the license for contractualization.” That measure that legalized this exploitative scheme, DOLE Order No. 18-02 (DO 18-02), has now been in force for ten years.

In Metro Manila, more than a hundred workers trooped to the main DOLE offices to condemn DO 18-02. In other parts of the country, chapters of the KMU and their supporters also protested the order.

Much like its bitterly criticized predecessor, DO 18-02 claims to ban labor-only contracting yet it gives out guidelines on how capitalists can legally undertake the derided employment scheme, the KMU said.

DO 18-02 allows employers to implement labor-only contracting once they are granted registration as job contractors. But, according to a list of labor complaints, the order makes it easy for just any firm to be registered as a job contractor. Other companies resort to “outsourcing” or forming third-party companies that hire contractuels for them.

“Companies form their own subcontracting companies, sister companies, etc., with the purpose of hiring

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R4S in Rio+20:

Ensure sustainability through human rights, not corporate profits

by IBON International

As the debates start to heat up on the issues that surround the upcoming United Nations Conference on Sustainable Development (UNCSD), IBON International has also redoubled its efforts to revisit and reiterate the principles that must underlie the concept of sustainable development.

On January 24, more than 70 participants from various civil society organizations (CSOs) and social movements participated in the “Global Civil Society Workshop on the Rio+20 Zero Draft and Rights for Sustainability” in New York City.

At the event, held at the Church Center for the United Nations, Paul Quintos of IBON International presented a critique of the Zero Draft of the Outcome Document for the UNCSD to be held in Rio de Janeiro, Brazil this coming June.

Quintos raised four major points on the Rio+20 outcome document’s zero draft:

First, the document does not address the gravity and urgency of the economic, social and ecological crises gripping the world today. Green Economy (GE) is not even defined clearly but is rather defined in terms of what it should contribute to poverty eradication, food security, access to modern energy services, among other things, and also in terms of principles that underlie it, like the Rio principles [para 25]. It also lists what it should not do, like the creation of new trade barriers [para 31].

But questions like what exactly is a green economy; when can one say an economy is green; and how it is to be achieved are all left unanswered. Instead, each country is left to develop their own GE strategies [para 38] and define their own



RIGHTS FOR SUSTAINABILITY

voluntary national commitments and actions [para 41]. While this allows policy space and flexibility, it also leaves the room wide open for business as usual and false solutions to the structural crisis of the dominant development model in the world.

Second, the zero draft does not have a clear and convincing explanation for what has gone wrong over the last 20 years. Its renewal of political commitment seems almost perfunctory. There is no explicit recognition of the problem of widening inequalities and skewed distribution of resources. It offers nothing on ownership and control, particularly of land, seeds, forests, and other productive resources. More importantly, it doesn’t provide a critique of the roles played by existing institutions and actors in creating and exacerbating these problems.

Third, with no attempt at a deeper critique of the underlying drivers of unsustainable development and underdevelopment, the zero draft repeats many prescriptions that have caused or contributed to poverty, inequity and ecological destruction. Paragraph 118 of the document reaffirms the role of the private sector in promoting sustainable development, and appeals to businesses and industries to show leadership in

advancing the Green Economy. But it reverts back to the old approach of voluntary frameworks for businesses and industries, which have proven inadequate in the past decades.

Lastly, there are some positive things in the draft which, while clearly inadequate and non-binding, nevertheless offer tiny windows for pushing the people's agenda. These include paragraph 17 on public participation in decision-making; paragraph 31 on policy space for developing countries; paragraph 42, which identifies means of implementation support for developing countries; paragraph 57 on the establishment of an Ombudsperson or High Commissioner for Future Generations; paragraph 64 on the right to food; paragraph 67 on the right to water; and paragraph 111 on alternative measures of well being.

In terms of strengthening the rights-based framework for sustainable development, Quintos suggested that CSOs focus on several sub-themes or sets of rights that are vital for social, economic and ecological sustainability:

1. **Right to common goods and essentials of life**, which includes the right to sustainable livelihoods, food, water, health, education, clean and healthy environment—all of which are necessary to secure the basic conditions of existence.
2. **Right to Development**, which is an “inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized.” This includes the right to self-determination of peoples as well as collective obligation of all states to create a just and equitable international environment for the realization of the right to development based on the principle of common but differentiated responsibilities.
3. **Rights of Future Generations** (or the rights of nature), which pertains to the obligations of the current generation to lay down or safeguard the conditions for the well-being and progress of future generations.
4. **Democratic rights and procedural rights**, including the right to information and participation

in all aspects and stages of the development process; freedom of association and assembly, including the right to resist interventions that are in violation of people's rights; and access to justice and means of redress for violations committed by states, corporations and other non-state actors.

Quintos then explained that the Rights for Sustainability (R4S) Initiative is a platform for advocacy that aims to promote a rights-based approach to sustainable development as a way of ensuring that inter- and intra-generational equity and justice are central concerns in the reform agenda in Rio+20 and beyond. This is also one way to counter the market-oriented, corporate-led green economy agenda that currently dominates policy-making circles.

To do this, Quintos enjoined CSOs to use the Rio process to demand clear mandates and commitments for public officials to take action to fulfill the above rights and provide conditions for rights claimants to hold duty bearers accountable, including governments, intergovernmental organizations, donors, international financial institutions, transnational corporations, international NGOs, and other actors.

Quintos added that the R4S Initiative can be one way of reaching out to more groups and encouraging them to engage in the Rio process. As a platform for lobbying, it should also feed into the Major Groups processes and at the same time facilitate CSO engagement with governments at the national and global levels.

In concluding, Quintos called on more “champions” for R4S to promote its aims and the people's agenda.

The main objectives of the workshop were (1) to gather civil society representatives from various major groups and stakeholders to examine the content of the Zero Draft of the outcome document for Rio+20, and (2) to strategize how to influence the outcome of the negotiations in favor of a rights-based approach to sustainability. It further aimed to analyze to what extent key CSO asks on human rights, equity and justice are reflected in the draft and to bring civil society voices from the South to engage in the official Rio+20 process.

Other panel presenters were Yvonne Yanez of Oilwatch Ecuador and Juan Hoffmaister of Third World Network – Costa Rica. Yanez spoke on the new paradigms in sustainability and the Sumak Kawsay proposal, while Hoffmaister presented a general mapping of the key issues in the current zero draft.

This CSO-led workshop was organized by IBON International in cooperation with the Asia Pacific Research Network (APRN), Centre for Environment and Development (CED), and People's Coalition for Food Sovereignty (PCFS) with the support of Diakonia

- Asia Regional office, Both ENDS and the World Council of Churches (WCC).

The workshop was held back-to-back with the UN Division for Economic and Social Affairs (DESA) training session for members of the Major Groups in connection with the Jan. 25-27 Informal Consultation on the Rio+20 Zero Draft.

The Rights for Sustainability campaign was also launched in another civil society workshop in Porto Alegre, Brazil on January 25 as part of the Forum Social Tematico 2012. #

For comments and queries regarding the R4S Initiative, you may contact **Paul Quintos** of IBON International at pquintos.ibon@gmail.com.

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Editor's Note: The article is an abridged version of a position paper by APRN issued just after the 11th round of TPPA negotiations in Melbourne.

Human rights impact of trade and investment pacts

by Kanaga Raja, Third World Network



hbrief.org

The United Nations Special Rapporteur on the right to food has unveiled a set of seven guiding principles on human rights impact assessments (HRIAs) of trade and investment agreements.

These principles have been put forward by Special Rapporteur Olivier De Schutter in a report to the 19th regular session of the UN Human Rights Council due to take place later this month [from February 27 to March 23—Ed.].

According to the Special Rapporteur, these guiding principles are intended to provide States with guidance on how best to ensure that the trade and investment agreements (TIAs) they conclude are consistent with their obligations under international human rights instruments.

The rights expert said that HRIAs can be an important tool for States in negotiating TIAs, particularly to ensure that they will not make demands or concessions that will make it more difficult for them, or for the other party or parties, to comply with their human rights (HR) obligations.

“Yet, States have been provided with little guidance as to how such HRIAs should be prepared, what is specific to a HRIA (as distinct, for instance, from sustainability impact assessments or social impact assessments), and how the conduct of human

rights assessments relates to the undertakings of States under human rights treaties.”

The guiding principles are intended to provide such advice, said De Schutter, adding that they are also intended as an operational tool that may be useful for HR treaty bodies and the special procedures of the Human Rights Council, to the extent that their mandate includes assessing the consistency of TIAs with the HR undertakings of States.

“Since the preparation of human rights impact assessments is a way for the State to discharge its human rights obligations, by ensuring that it does not conclude agreements that make it more difficult or impossible for the State to comply with such obligations, it is recommended that the process of preparing

HRIAs be stipulated in legislation, rather than left to the ad hoc choices of the Executive.”

Principle 1: States should prepare HRIAs before agreements are inked

Guiding Principle No. 1 states: “All States should prepare HRIAs prior to the conclusion of TIAs.”

The Special Rapporteur commented that by preparing HRIAs prior to the conclusion of TIAs, States are addressing their obligations under the HR treaties.

First, said De Schutter, since States are bound by these pre-existing treaty obligations, they are prohibited from concluding any agreements that would impose on them inconsistent obligations. Therefore, there is a duty to identify any potential inconsistency between pre-existing HR treaties and subsequent trade or investment agreements, and to refrain from entering into such agreements where such inconsistencies are found to exist.

Second, the right of every citizen to take part in the conduct of public affairs, recognized under the International Covenant on Civil and Political Rights (art. 25a), implies that no trade or investment agreement should be concluded in the absence of a public debate, which in principle should be conducted by freely elected parliamentary assemblies for approval to ensure that the free expression of the will of the electors shall be fully respected (art. 25b of the Covenant). HRIAs serve to inform such public debate.

Third, since compliance with the obligations imposed under TIAs typically is ensured by the threat of economic sanctions or reparations authorized or awarded by an agreement-specific dispute settlement mechanism or international arbitral tribunals, it is important that any inconsistency with pre-existing HR obligations imposed on the State are identified beforehand, to the fullest extent possible.

“Where an inconsistency between the human rights obligations of a State and its obligations under a trade or investment agreement becomes apparent only after the entry into force of the said agreement, the pre-existing

human rights obligations must prevail,” said the Special Rapporteur.

Principle 2: TIAs must not conflict with preexisting HR treaty obligations

Guiding Principle No. 2 states: “States must ensure that the conclusion of any trade or investment agreement does not impose obligations inconsistent with their pre-existing international treaty obligations, including those to respect, protect and fulfill human rights.”

The Special Rapporteur said that States cannot ignore their HR obligations in the conclusion of trade or investment agreements, whether at the multilateral or bilateral level.

The specific purpose of HRIAs, which distinguishes them from other impact assessments (such as social, environmental or sustainability impact assessments), is to ensure that States will not be facing inconsistent obligations, imposed respectively under HR treaties and under trade or investment agreements, and that they will not face obstacles in the realization of HR they have committed to guarantee as a result of having entered into such agreements.

In other words, the HRIA should measure the potential impact of the trade or investment agreement on HR outcomes and on the capacity of States (and non-State actors, where relevant) to meet their HR obligations, as well as on the capacity of individuals to enjoy their rights.

Human rights impose on States three levels of obligations, said the rights expert.

First, States must respect human rights. They are thus precluded from entering into trade or investment agreements that would require them to adopt certain measures, such as lowering a tariff or strengthening intellectual property rights, that would result in an infringement of HR they have agreed to uphold.

Second, States should protect human rights. They must therefore ensure that they will not be precluded from the possibility of controlling private actors whose conduct

may lead to violating the HR of others, for example, as a result of an excessively high level of protection of foreign investors established on their territory or because of a broad understanding of the prohibition of imposing performance requirements on such investors.

Third, States should fulfill human rights. This requires that States refrain from concluding TIAs that will render impossible the adoption of policies that move towards the full realization of human rights, insofar as it relates to rights that are subject to progressive realization by States to the maximum of their available resources.

Principle 3: HRIAs should inform and influence outcomes of talks on TIAs

Guiding Principle No. 3 states: “HRIAs of TIAs should be prepared prior to the conclusion of the agreements and in time to influence the outcomes of the negotiations and, if necessary, should be completed by ex-post impact assessments. Based on the results of the HRIA, a range of responses exist where an incompatibility is found, including but not limited to the following: (a) Termination of the agreement; (b) Amendment of the agreement; (c) Insertion of safeguards in the agreement; (d) Provision of compensation by third-State parties; (e) Adoption of mitigation measures.”

The Special Rapporteur noted that even by initiating the HRIA before negotiations are well advanced, the final results of the assessment may only become available when negotiations have advanced to a point such that anything more than cosmetic changes may become extremely difficult. As such, States are encouraged to finalize a feasibility study that incorporates a HRIA prior to entering into the final phase of formal negotiations.

Where the impact assessment indicates the possibility of potential HR violations resulting from the draft agreement, the draft may have to be revised to remove any incompatibility that has been found with pre-existing

HR obligations of the State concerned. Removing the incompatibility can be achieved either by the adoption of measures at the domestic level that ensure that the agreement will be consistent with the HR obligations of the State, or by introducing within the agreement itself clauses, such as flexibilities or exceptions, that will allow the State to comply with its HR obligations.

Principle 4: TIA negotiation process must be guided by HR-based approach

Guiding Principle No. 4 states: “Each State should define how to prepare HRIAs of TIAs it intends to conclude or has entered into. The procedure, however, should be guided by a human rights-based approach, and its credibility and effectiveness depend on the fulfillment of the following minimum conditions: (a) Independence; (b) Transparency; (c) Inclusive participation; (d) Expertise and funding; and (e) Status.”

States should fulfill human rights. This requires that States refrain from concluding TIAs that will render impossible the adoption of policies that move towards the full realization of human rights, insofar as it relates to rights that are subject to progressive realization by States to the maximum of their available resources.

The Special Rapporteur said that while the primary purpose of a HRIA of a TIA is to ensure that the provisions of such agreement shall not be incompatible with the normative content of relevant HR, it also should include an assessment of whether the process of negotiating the impact of

the trade or investment agreement has affected human rights. Thus, it should be assessed whether the process of negotiation was participatory, inclusive and transparent, and whether it was conducted with appropriate parliamentary oversight.

The rights expert cautioned that HRIAs can constitute a complex endeavour, and challenges may be encountered in developing a robust methodology. A number of factors contribute to this, including: (a) the difficulties of establishing causality between HR outcomes and specific trade/investment reforms or initiatives; (b) the paucity of data, especially in least-developed countries; and (c) the limitations of quantitative and qualitative methods in capturing dynamic effects of trade/investment reforms.

“For this reason, it is for each State to define the calendar according to which the assessment shall be made; which body shall be in charge of the assessment; and on the basis of which data the assessment shall be prepared.”

Principle 5: Explicit HR obligations, measurable HR indicators, democratic decisions

Guiding Principle No. 5 states: “While each State may decide on the methodology by which HRIAs or TIAs will be prepared, a number of elements should be considered: (a) Making explicit reference to the normative content of human rights obligations; (b) Incorporating human rights indicators into the assessment; and (c) Ensuring that decisions on trade-offs are subject to adequate consultation (through a participatory, inclusive and transparent process), comport with the principles of equality and non-discrimination, and do not result in retrogression.”

According to the Special Rapporteur, HRIAs should rely on indicators that measure the following:

- (a) Whether the trade or investment agreement will make it more difficult for the State concerned to ratify particular HR instruments, to adapt its regulatory framework to the requirements of human rights, or to set up the institutional mechanisms, that ensure compliance with its HR obligations (structural indicators);
- (b) Whether it creates obstacles to the implementation of the State’s policy measures and programmes, or to the functioning of institutional mechanisms, that ensure effective fulfillment of State’s HR obligations, particularly insofar as such obligations require budgetary commitments (process indicators); and
- (c) Whether the trade or investment agreement may make it more difficult for a State to make progress in the realization of the human rights it has undertaken to comply with, measured from the perspective of

full enjoyment of all human rights by all (outcome indicators).

Principle 6: TIAs must contribute to overall HR protection

Guiding Principle No. 6 states: “States should use HRIAs, which aid in identifying both the positive and negative impacts on human rights of the trade or investment agreement, to ensure that the agreement contributes to the overall protection of human rights.”

“States should prioritize those economic and social benefits that will be sustainable in the long term in terms of their contribution to the realization of all human rights, including the right to development, over short-term economic and/or political gains expected from any TIA.”

The rights expert said that delicate choices will have to be made about the priorities that the State seeks to pursue, for instance, where TIAs contribute to economic growth and thus may facilitate the ability of the State to realize certain

rights by mobilizing budgetary resources to finance certain public goods and services in various areas, including education, food, health and housing, while at the same time negatively affecting the State’s capacity to protect the rights of certain groups, such as workers in the least efficient sectors of the economy.

“States should prioritize those economic and social benefits that will be sustainable in the long term in terms of their contribution to the realization of all human rights, including the right to development, over short-term economic and/or political gains expected from any TIA.”

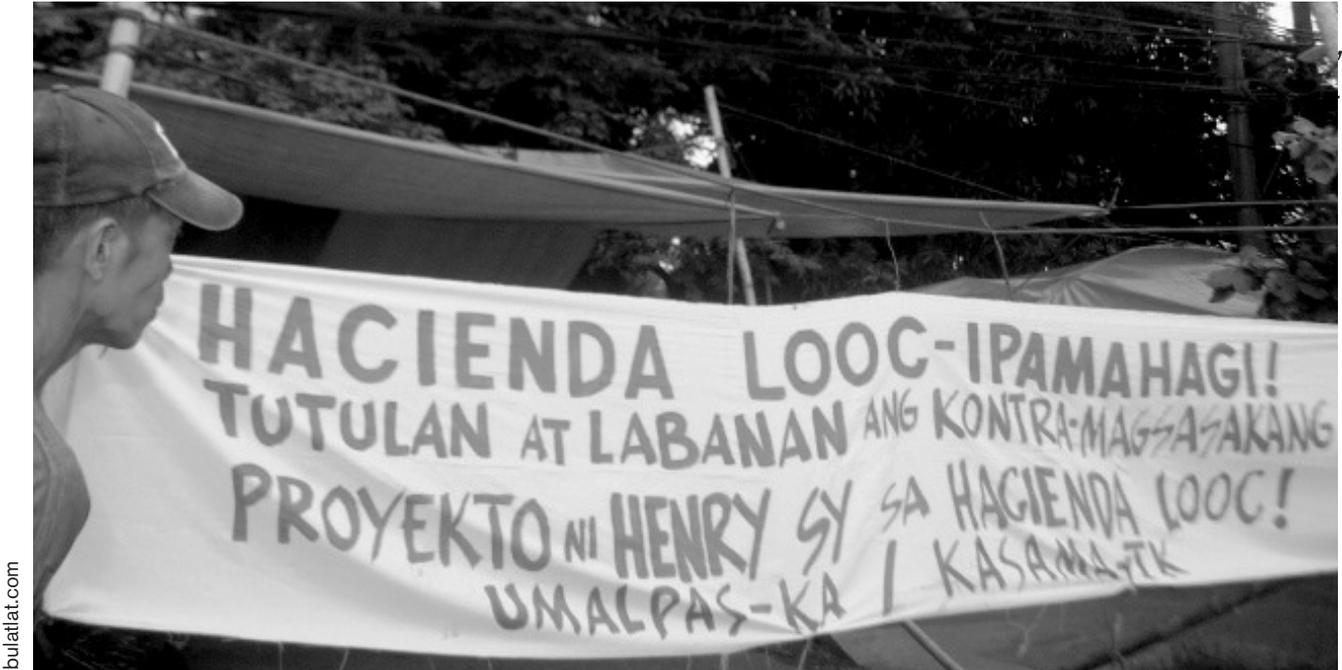
Principle 7: HRIA process must be detailed, proceed through key steps

Guiding Principle No. 7 states: “To ensure that the process of preparing a HRIA of a trade or investment agreement is manageable, the task should be broken down into a number of key steps that ensure both that the full range of human rights impacts will be considered, and that the assessment will be detailed enough on the impacts that seem to matter the most: (a) Screening; (b) Scoping; (c) Evidence gathering; (d) Analysis; (e)

(continued on page 22)

Phil gov't urged to stop land conversion in vast hacienda

by Ronalyn V. Olea, Bulatlat



bulatlat.com

MANILA — Members of an international solidarity mission called on the Philippine government to stop the country's biggest real estate developers from wreaking havoc on the lives of farmers and fisherfolk of Hacienda Looc in Nasugbu, Batangas.¹

In an eight-page executive summary submitted to the Department of Agrarian Reform (DAR), members of the mission asserted that “land use conversions and large scale tourism projects resulted in landlessness and food insecurity.”

The mission, composed of delegates from the United Church of Canada, Aliansi Gerakan Reforma Agraria (Agra – Indonesia), research students from Japan and Belgium, the Malaysia-based Pesticide Action Network Asia Pacific, Asian Peasant Coalition, Kasama-TK, Samahang Magsasaka sa Batangas, Farmers Development Center (Fardec), Ibon International, Promotion for Church People's Response and Kilusang Magbubukid ng Pilipinas (KMP), was conducted from February 11 to 15.

In its report, the mission stated that “the biggest real estate developers in the country, in collusion with various government agencies, have made their landgrabbing activities appear legal and legitimate.”

“Government policies, including bogus agrarian reform programs like the Presidential Decree 27 and the Comprehensive Agrarian Reform Program (CARP), have denied Hacienda Looc farmers of their rights to the land,” Willy Marbella, KMP deputy secretary general, said. In fact, according to Marbella, “real estate developers, using the CARP itself, managed to exempt Hacienda Looc from agrarian reform.”

According to Ugnayan ng Mamamayan Laban sa Pangwawasak ng Kalupaan sa Hacienda Looc (“People's Association vs Land Destruction in Hacienda Looc,” or Umalpas-Ka), during the early part of the martial law regime, some 1,282.98 hectares of Hacienda Looc were placed under

Presidential Decree No. 27. Emancipation patents (EP) were awarded to 831 farmer-beneficiaries.

In June 1990, following former President Corazon C. Aquino's issuance of Executive Order No. 227, which places the non-performing assets of government under agrarian reform, Hacienda Looc was placed under the CARP and certificates of land ownership award (CLOA) were also given to the farmers.

In spite of CARP coverage, a feasibility study on the suitability of the land to agriculture was conducted and concluded that Hacienda Looc would be of better use if converted into an agro-tourism complex. The Assets Privatization Trust (APT), a government agency, called for a public bidding in December 1993. At the time, real estate developers and land speculators together with land brokers sprouted and tried to convince the farmers to sell their farm lands, including those with CLOA and EP.

“Although the sale and/or transfer of those lands covered by agrarian reform is strictly prohibited by law, legal maneuvers were done by land brokers and real estate developers to legitimately take back the rights of the farmers to till their land,” the mission stated.

The APT later on declared that Bellevue Properties Inc (BPI) won the bidding. BPI then created the Manila South Coast Development Corporation (MSDC). In 1994, BPI transferred its right to buy Hacienda Looc to MSDC. Subsequently, a Deed of Sale was signed between APT and MSDC that placed the whole 8,650 hectares of Hacienda Looc under the management of the latter.

Umalpas-Ka said both the BPI and MSDC are owned by business tycoon Henry Sy of SM Lands Inc.

The MSDC filed a petition before the Department of Agrarian Reform Adjudication Board (Darab) requesting for the cancellation of 25 CLOAs that

covered 3,284 hectares of land. The company also filed a petition for conversion order. Darab made a partial judgment canceling ten CLOAs covering 1,219 hectares affecting 413 beneficiaries.

Eventually, the DAR Region IV approved the awarding of another 50 hectares of land to Fil-Estate and MSDC as a reply to the exemption and conversion order of the total 1,269 hectares of land.

SM Land Inc. has “developed” the coastal area of Barangay Papaya into Hamilo Coast, a leisure destination which features recreational activities.

“Although the sale and/or transfer of those lands covered by agrarian reform is strictly prohibited by law, legal maneuvers were done by land brokers and real estate developers to legitimately take back the rights of the farmers to till their land.”

Later, former president Gloria Macapagal-Arroyo issued Presidential Proclamation 1520 declaring the entire municipality of Nasugbu as tourist zone. Arroyo also issued Executive Order 647 stating that Nasugbu is part of the Tourism Development Plan and Tourism Priority Area.

One of the government's tourism projects in the area is the Nasugbu-Ternate Eco-Tourist Road, which will affect Hacienda Looc.

Marbella revealed that in a dialogue with DAR officials, Undersecretary Anthony Parungao said that based on records, only 94 hectares of land have so far been approved for land-use conversion. “And SM is developing more than 5,000 hectares of land.”

Bountiful paradise lost

In a public forum, Feb. 17, Ipang, a member of Indonesian peasant group Agra, said land-use conversion has affected the livelihood of farmers and fisherfolk.

Before the MSDC came to the Hacienda Looc, its plains, valleys and mountainous areas were devoted to agriculture. Its plains covering more than 1,700 hectares were planted to rice, corn, vegetables and sugarcane. A sizeable portion of the mountainous areas were covered by productive fruit trees such as mangoes, bananas,

jackfruits and star apples, wild rice, and root crops. Its ricelands could produce 70-100 cavans of palay (unhusked rice) per cropping and mostly the farmers could produce rice in two to three cropping seasons.²

“Testimonies in Barangay Bulihan stated that the people used to have enough food for their family. When they plant, they will have something to harvest but it’s difficult these days. One woman said they used to make charcoal through kaingin (slash and burn) but now her husband has gone to Manila to work because they are not allowed to do kaingin anymore which was their source of living,” Ipang said.

Ipang said agricultural workers in Barangay Bulihan have lost their means of income because their farm land has become smaller.

Furthermore, fishermen in the coastal areas, specifically at Barangay Papaya, have been prevented from fishing by guards of the Hamilo Coast resort facility.

Hacienda Looc is bounded by extensive shorelines that link the four villages to the rich fishing grounds in the South China Sea.

“Today, fishermen could no longer reach the seashore. We would be greeted by shotguns if we do. They have placed a boundary. While commercial fishing vessels would be able to catch tons of fish, small fishermen would be lucky enough to have 100 kilos. There were times when we could not catch fish even for our own consumption,” Isabelo Cailaya said in Filipino during the public forum. Cailaya is a leader of Pamalakaya-Southern Tagalog and president of Habagat, a fisherfolk alliance covering the coastal areas of Batangas province.

“We used to call Hacienda Looc a paradise, with its fertile soil and rich marine resources. The outsiders came and saw its beauty and our problems began,” Cailaya said, referring to real estate developers.

Environmental degradation

Kelly Cowell from Canada said large tracts of land, mostly farmland and forests, are being cleared to make way for the construction of golf courses, often resulting in soil erosion, downstream flooding and landslides.

“To keep the lawn green and velvety, two tons of pesticides and insecticides are sprayed yearly, which eventually get washed down into the water table, irrigation systems, rivers and sea. These pollute the waterways, and 90 percent of the chemicals sprayed on the course also affect the air, posing health problems to golfers themselves, caddies and local residents,” Cowell who has a background in environmental engineering said.

The report stated that since Fil-Estate’s earthmoving activities on the 216-hectare portion of the hacienda started in December 1995, the residents have experienced soil erosion and siltation. This has caused damage to their crops planted in the lowlands. Added to this was the cutting of old hardwoods that affected the stability of land and forest.

Cowell added that the residents of Barangay Papaya living 500 meters away from the entrance of Pico de Loro, a beach resort, recounted incidents of floods since the construction of the Ternate-Nasugbu Tourist Road that reached their homes and farmlands.

“Hacienda Looc is developed in unsustainable and destructive ways,” Cowell said. “The results of these are irreversible.”

Asked if rehabilitation is possible, Cowell said, “Rehabilitation is possible but I don’t think it is happening yet. I don’t think that SM sees that as a priority.”

The report noted that the Fil-Estate started developing Phase 1 in October 1995 without the environmental compliance certificate (ECC) from the Department of Environment and Natural Resources (DENR). The Fil-Estate was forced to get an ECC only in April 1996 following complaints aired by the people. In October 1998, Fil-Estate was fined for five violations of its ECC for its failure to replant trees and build protective measures against heavy erosion.

Marbella said that in a dialogue with DENR, the government agency vowed to conduct investigations on environmental compliance of developers.

Human rights violations

Sheryl Johnson, a member of United Church of Christ of Canada, said, "the formerly peaceful community of Hacienda Looc was disturbed by the constant intimidation of the security companies and heavily armed men employed by Fil-Estate and MSDC with the support of the Philippine National Police and Philippine Air Force."

From February 1996 up to March 2000, Johnson said seven members of Umalpas-Ka who were all vocal against the projects, have been killed.

The victims were Benjamin Boqui, Feliciano Jones, Maximo Carpintero, Francisco Marasigan, Perfecto Manalo, Roger Alla and Terry Sevilla.

"These incidents were not investigated and no one has been brought to justice," Johnson said.

Since the deployment of the military and hired goons in the area, farmers have reported several instances of their houses being stoned, their doors rapped at night by masked and heavily armed men, illegal searches, and indiscriminate firing by drunken guards, military personnel and hired goons of the MSDC and Fil-Estate, the report stated.

Cailaya reported that he has been harassed several times for leading the struggle of the fisherfolk in Hacienda

Looc. Leaflets accusing him of being a New People's Army guerrilla leader were seen posted in village halls.

"The presence of police and military is not about protecting the people, not about ensuring the safety of residents. It's all about ensuring the interests of companies are followed," Johnson said.

Marbella said they will furnish copies of their report to concerned government agencies.

In his closing speech, Pedro Gonzales, secretary general of Pamalakaya-ST, said, "Our enemies are not only the SM and other developers but the DAR, DENR, this very government, too."

"We, farmers, who have nothing to lose but our lives, will continue to fight," he said. #

Notes

1. In the Philippines, haciendas are vast landed estates usually planted to cash crops like sugar cane. Many haciendas, which originated from the Spanish colonial era, have persisted up to the present and signify the persistence of semi-feudal agrarian relations in the country.
2. One cavan, a Spanish-period measure of rice and other grains in the Philippines, is now equivalent to a range from 40 to 50 kilos.

The article was originally published in **Bulatlat** on 17 February 2012 (<http://bulatlat.com/main/2012/02/17/intl-mission-urges-govt-to-stop-land-use-conversion-in-hacienda-looc/>). Bulatlat is an online news magazine featuring in-depth articles, news, essays and commentaries from a progressive and nationalist perspective. It is reprinted here with minor revisions and footnotes added by the EDM editors.

Reflections on Hacienda Looc fact-finding mission

pinoyweekly.org



An IBON International delegation composed of three—Patrick Soliguin, Erin Palomares, and Levi Francisco—joined the International Solidarity Mission that conducted a fact-finding visit to the Hacienda Looc area in Nasugbu, Batangas from February 11 to 15. The EDM editors asked them to share some reflections (edited here for brevity) on their experience.

Patrick Soliguin: ISM documented human rights violations

Land is life to every farmer, and likewise, sea is life to every fisher folk. But what are farmers and fisherfolk to do if the land and sea, the very source of their living, are taken from them? This is now the case in Hacienda Looc, home to some ten thousand farmers and fisherfolk, who lived there for years but now face disaster as two real estate giants seek to convert the area into what is being hyped as the biggest tourist destination in the country, the Harbourn Project.

The project plans to build a so-called paradise on earth through 120 luxury hotels and exclusive villas, four golf courses, and an international-standard marina. But it will violate the local people's right to land, livelihood, and their very lives.

Past administrations went through the motions of implementing land reform in the hacienda. But starting in 1993, through the magic of legalities, the supposed land-reform beneficiaries lost their lands to a private real estate firm, chunk by chunk. Since then, seven local farmer activists and peasant organizers have been killed, crops have been uprooted, farmers' houses torched, and the

presence of government troops and private company guards has heightened. As attacks worsen, however, the people's resistance in Hacienda Looc has also intensified.

Several fact-finding missions (FFM), including the most recent on February 12-17 2012, have documented human rights violations. Some cases that we gathered during the recent FFM are as follows:

- Company guards are sent to harass farmers farming and living on lots that are not sold yet but already presumed by the company people as theirs, particularly farmers who resist company demands. The farmers filed a police complaint against the guards, but not one guard has been sued up to now.
- In one case, a woman farmer accused company guards of destroying then burning her home "so there'll be no evidence." The case was apparently ignored by the real-estate firms.
- In another case, a farmer received a subpoena for a civil case filed by one of the country's giant banks, because he did not allow the surveyor to enter the land that he had been tilling

for many years. The bank claimed to hold the title to the land, and even sued the farmer for supposedly violating the building code when he built an outhouse on his land. The farmer was astonished when another firm came to claim and survey his land, using the same title held by the bank. The farmer was again sued for blocking this new firm. He soon realized that the titles shown by the two firms were defective or even fictitious, so he stood his ground. But then a third company, which also owns a bank, claimed his land anew, and the farmer was forced at gunpoint—allegedly by Lipa City police—to sign a document authorizing the new bank claimant to survey and assess his land. He says Army units later arrived and stayed on his land, committing more human rights abuses.

Erin Palomares: ISM findings subvert the dominant discourse on ecotourism

Power and knowledge imply one another, to echo Foucault. There is no power relation without the correlative constitution of a field of truth/knowledge. Nor is there any truth/knowledge that does not presuppose and constitute at the same time power relations.

This power/knowledge theory seems too distant from the recent International Solidarity Mission (ISM) in Hacienda Looc. But it allows one to better situate the ISM in its larger political context, and thus to better appreciate its political significance.

The municipality of Nasugbu in Batangas has been declared by the Philippine Tourism Authority (PTA) as priority area for tourism development, in line with the avowed state policy of promoting tourism in the country. The state however twisted the popular discourse on ecotourism and sustainable development to justify its support projects seeking to make Nasugbu attractive to tourists. Instead of community-driven ecotourism and livelihood development, the state ended up with a plan to convert the land into a paradise of first-class hotels, villas, and golf courses.

The Hacienda Looc ISM is not simply an attempt to document the impacts of the tourism project on the local communities and environments. Rather, it should be seen as a means to challenge the twisted discourse of

ecotourism as a means to development by questioning and eventually dismantling the power relations that produce and sustain this dominant discourse.

The never-ending battle “for truth” is tied up with a system that produces, regulates, circulates, and applies discourses in order to justify an existing mode of production and social relations. Discourses gain legitimacy and popularity—even appearing fixed and binding to all—once they attain the status of “truth” or “knowledge.” People gradually submit to the “truth” whereas these are just partial truths, full of gaps and questions left unanswered, that oppressive forces use to distort and obscure the real conditions of existence.

Not surprisingly, the findings of the Hacienda Looc ISM do not reflect the narrative of sustainable development that is being projected in mainstream media. For the ecotourism project to become operational, order should be maintained in the area, which can only be done by propagating a master discourse that would pacify the affected residents, appease the doubts of the rest of the community, and continuously suppress other discourses.

By accomplishing the ISM, therefore, we also subvert the hierarchy of discourses that dominate the ecotourism project. The ISM findings have come out with a strong alternative discourse by documenting the stories of farmers, fisherfolk, and other local residents citing cases of land grabbing, loss of livelihood and human rights violations as the real effects of the so-called development project.

The ISM’s objective, in my view, is to propagate the alternative discourse until it becomes widely accepted and likewise gain the status of “truth.” In so doing, we challenge the power and credibility of the “existing knowledge” that has been held on to for so long and the systems of power that propagate and sustain it.

Levi Francisco: The people’s real strength

Believing that any real reflection worth communicating is that which one’s life already mirrors, the reflections owing to the experience in being part of the Fact Finding Mission in Hacienda Looc may not reach fruition so quickly. However, this brief rumination can attest to

those whose lives serve as testimonies to the truths we merely dare to profess.

As such, Hacienda Looc was one of those defining moments that lay an imprint on us. There are men and women who inspire us to become more than we are and do more than we are able to, who force us to look beyond the narrow confines of our routine lives, without lambasting us or preaching to us, who challenge us and reshape our conception of ourselves, society and humanity at large.

Perhaps this fragmented self, owing to the discrepancy of thought and action we often find ourselves in, can only find cohesion in the strength of communities

that these admirable people aim to build. Contrary to the predatory strength of a market-based economy, where one's value is set against those of others, we find a different kind of strength (perhaps a more genuine one)—that of resilience.

But what is resilience? Having a strong sense of what needs to be done, a community opposes but not for the sake of opposing; they fight but not for the sake of fighting. But having seen the world and their lives in it, they cannot but stand their ground even if that meant a continuous struggle, and in that struggle, death. But, as someone said, "It's nothing to die; it's frightful not to live." #

Human Rights Impact... (continued from page 15)

Conclusions and recommendations; and (f) Evaluation mechanism."

According to the Special Rapporteur, first, the HRIA should include a preliminary analysis of which human rights are most likely to be affected, with respect to which population groups, as a result of the trade or investment agreement (screening): this should allow the determination of which elements of the trade or investment agreement shall be subject to a full assessment, and with regard to their impacts on which human rights.

Second, those in charge of the HRIA should determine the set of questions that will have to be addressed and the methodology to be applied, including the use of indicators, for the full assessment in the areas identified at the screening stage (scoping).

Third, evidence gathering shall include the use of both quantitative (including economic modeling and regression analysis) and qualitative research (including consultations with rights holders or their representatives, and where feasible using participatory

research methodologies), in order to determine the impacts as precisely as possible.

Fourth, the impacts of the trade or investment agreement on the ability of the State to respect, protect and fulfill human rights should be assessed, taking into account what has been said about trade-offs (analysis). The outcome of the HRIA, in any case, should be made public, since it should feed into the public debate about the preparation or implementation of the trade or investment agreement considered.

Fifth, the HRIA should lead to the presentation of conclusions and recommendations, on the basis of which the bodies in charge of negotiating and concluding the impact assessment shall be held accountable.

Sixth, appropriate follow-up should be given to the conclusions and recommendations adopted at the final stage of the impact assessment, by organizing a monitoring and evaluation mechanism assessing the extent to which these conclusions and recommendations were in fact taken into account, said the Special Rapporteur. #

This article was published in **Third World Network (TWN)** on 20 February 2012 (<http://www.twinside.org.sg/title2/wto.info/2012/twninfo120211.htm>). Olivier de Schutter is the UN Special Rapporteur on the right to food. Subheads are by EDM editors, who also made extensive use of the acronyms HRIA (human rights impact assessment) and TIA (trade and investment agreements) to reduce the text's heaviness.

Transforming Sustainable Development Governance through People's Legitimate Demands

by IBON International



Achieving global sustainable development entails a global shift – away from prevailing inequitable and ecologically destructive patterns of development, to modes of development based on shared prosperity and environmental protection. Global governance, which refers to the complex of institutions, mechanisms, norms and policies that shape global processes, mediate relations between actors, and provide a framework for cooperation in addressing global challenges, plays a crucial role in this transition. Through the Rights for Sustainability Campaign, IBON pushes for strengthening the rights-based framework for sustainable development governance as a way of challenging the market-oriented, corporate-led green economy agenda that currently dominates policy-making bodies, including the United Nations Environment Programme (UNEP).

In a Greenroom Activity titled “Rights for Sustainability and Sustainable Development Governance”, Paul Quintos of IBON noted that the perceived inadequacies of global sustainable development governance often center on institutional weaknesses and gaps, particularly the lack of integration, fragmentation, incoherence, weak implementation, and the weakness of the environmental pillar.

Further, Quintos added that fragmentation – of treaties, financing, and overall authority for environmental and sustainable development governance – has resulted in a lack of policy coherence. Enforcement capability is also lacking in many cases, as are financial resources to aid implementation and/or build capacity for sustainable development, leading to a “policy-implementation disconnect”.

When considered in the context of global governance institutions as a whole, including the UN system and International Financial Institutions (IFIs), the environmental pillar is weak in authority, priority, profile, and capacity relative to the economic pillar. Integration of sustainable development into decision-making is likewise lacking at all levels, especially in the wider macro-economic policy domains of finance and trade. Indeed, there is lack of integration of the three pillars in the UN system and in global, regional, and national policies.

Options for reforms in susdev governance

Quintos presented the main options for reform being considered to address these gaps. These options can be grouped into three main actions:

- strengthening the integration and coordination of the economic, social and environmental pillars; for example, through a Sustainable Development Council or by reforming ECOSOC;
- enhancing the environmental arm of global governance; for example, by strengthening UNEP, upgrading UNEP, or establishing a new specializing environment agency; and
- institutional streamlining, for example, by improving inter-agency coordination, or through consortium arrangements.

While these options have their merits, often overlooked are deeper systemic issues essential to sustainable development governance. Thus, it is fundamental to examine more critically what reforms should be accomplished. Quintos reiterated the need to adopt a rights-based approach in order to reform the current sustainable development governance framework. Essentially, a rights-based agenda would entail the following:

1. Redefining the goal of governance

Sustainable development governance should ultimately be about the realization of people's rights, both of present and future generations. In this approach, the goal of governance becomes that of advancing and protecting — as a matter of duty — the whole array of substantive and procedural rights associated with all dimensions of sustainable development.

2. Addressing power imbalances

This means the institutions of governance should work to secure social arrangements where rights can be best realized. This usually involves countervailing the power of actors behind unsustainable development. Moreover, translating sustainable development governance processes and outcomes as rights or entitlements increases the power of the poor and vulnerable groups to make claims vis-à-vis duty-bearers to deliver on their sustainable development commitments.

3. Addressing implementation and accountability gaps

A rights-based approach also leads to an analysis of responsibilities of actors and institutions when rights are

unfulfilled, and thus facilitates in locating accountability and in seeking remedy.

4. Addressing lack of policy integration and coherence

Various substantive rights such as the right to work, education, and health offer bridges across the economic, social, and environmental dimensions of sustainable development. A rights-based approach provides tools for institutions and actors to consider the impact of their policies on the realization of other rights and development goals.

Quintos also raised five recommendations for strengthening a rights-based framework for international sustainable development governance. These concrete proposals for action are forwarded in order to create an enabling environment for upholding a rights-based framework for sustainable development and institute stronger mechanisms for their monitoring, review, and compliance:

- Establish Multi-stakeholder Sustainable Development Councils
- Establish Ombudspersons for Future Generations
- Establish Special Procedures in the UN System
- Adopt regional and global instruments for the implementation of Rio's Principle 10 (on public participation)
- Enhance international development cooperation for sustainable development

For civil society organizations (CSOs) to take this forward, Quintos discussed how the Rights for Sustainability (R4S) campaign can complement the many existing initiatives and calls of other groups. As an open platform for CSOs, the R4S campaign tries to involve as many Southern CSOs as possible whose participation is greatly challenged due to resource constraints. In terms of engagement in the official process, IBON is currently facilitating the thematic cluster on Rights and Equity for the NGO Major Group. The R4S campaign has invited civil society organizations to submit their lobbying positions, which in turn are

being translated into specific proposed amendments to the zero draft. This collection of amendments feeds into the official process through the thematic cluster on Rights and Equity.

However, many CSOs also do not want to be confined to proposing amendments to the zero draft because they feel it is fundamentally flawed or doomed to fail. Thus parallel mechanisms, which are not necessarily plugged into the official Rio+20 process, are now being developed. This includes the Rights for Sustainability Treaty Circle that is part of the People Sustainability Treaties initiated by the Centre for Environment and Development (CED).

People's Sustainability Treaties

In another Greenroom activity devoted to tackling the Peoples Sustainability Treaties, Quintos argued about the need to focus on the social dimension of sustainable development. His three main reasons are:

First, the social dimension of sustainable development is the most neglected aspect of the policy agenda of Rio+20, as what majority of CSOs have also observed from the consultations throughout the world. Many CSOs remain unconvinced that the policy prescriptions drawn from the Green Economy agenda adequately protect or respect people's rights, particularly those of impoverished and marginalized social groups; or that these measures will not in fact exacerbate inequities in the distribution and control of productive resources, incomes and power.

Second, CSOs know that the great transition towards sustainable development pathways bears unequal costs and benefits across classes, gender, race, country, and so on. This transition necessarily involves social conflicts between groups of people, whereas debates on sustainable development are often framed only in terms of the tradeoffs between economy and environment, between planetary boundaries and the social floor for human wellbeing.

Lastly, CSOs know that addressing the social dimension of sustainable development does not only involve protecting the poor but transforming social structures, institutions, relations and values that underpin and

reproduce vulnerability, poverty and persistent inequalities. This is perhaps the biggest and most difficult barrier on the road to sustainable development because it ultimately means upsetting the very basis of wealth and privilege currently enjoyed by the 1% or 10% of humanity who virtually own the planet.

Therefore, the social dimension of sustainable development needs to be at the forefront and center of the debates in Rio+20.

Addressing social-pillar concerns

Quintos also presented three ways on how the social pillar can be better addressed:

1. Measures which emphasize "win-win solutions" or, in the language of economists, those measures which yield co-benefits between economic, social and environmental outcomes. These include proposals like retrofitting buildings, or promoting green consumption, or reducing waste, or raising the resource efficiency of production, and so on.
2. Measures which aim to protect and compensate individuals and groups negatively affected by climate change, environmental destruction, disasters, or the green economy transition. These include proposals for expanding social protections, or ensuring universal access to energy, food, water, health, a healthy environment, and so on.
3. Measures which facilitate transformative social institutions and processes that would drive change towards more equitable and sustainable patterns of production, consumption and distribution. These include proposals for democratizing ownership and control over productive resources such as agrarian and aquatic reform, or recognizing customary rights of indigenous peoples, among others. These also include reforming governance institutions that empower citizens and communities to be involved in decision-making, and holding power holders accountable for their behavior.

For many CSOs, the last option is the most important. By definition, win-win solutions are no-brainers. But the other measures mentioned above are best underpinned by a rights-based approach to sustainable development. Human rights are the great democratizer — these are

moral claims to fundamental values and conditions for human existence, dignity and fulfillment — regardless of wealth. Therefore, it is particularly relevant in countering a market-led interpretation of the green economy.

Further, Quintos noted that in the struggle for rights, CSOs also have to confront entrenched power. And in the process of confronting this, civil society also challenges states and government institutions, as they are seen as the concentrated expression of entrenched power. The formal recognition and codification of human rights

was achieved from people claiming those rights vis-à-vis those in power, not the other way around. An initiative like the People's Sustainability Treaties is a good way of reaching out to the grassroots, and the wider public and finding expression for people claiming their rights.

On the other hand, it is equally important to ensure that people's demands and aspirations find their way to the halls of power where decisions impacting on the lives and futures of billions of people are made.

Paul Quintos of IBON International is the duly-elected Asia Pacific regional representative of Major Groups and Stakeholders to the United Nations Environment Programme. In that capacity, he participated at the 13th Global Major Groups and Stakeholders Forum, as well as the 12th special session of the UNEP Governing Council/ Global Ministerial Environment Forum in Nairobi, Kenya last February 2012.

Philippine Labor... (continued from page 8)

contractual or lesser paid workers performing the same work for the parent company," said Labog.

Because of this increasingly prevalent practice (from 60 percent prior to DO 18-02 to nearly 70 percent today, according to the KMU), many employed workers nationwide are no longer receiving the legally-mandated daily minimum wage rates as defined per region. The minimum wage is now pegged at P404 (\$9.40) daily in the National Capital Region, which has the highest minimum wage. As exposed in recent deadly workplace accidents in Lucio Tan's Eton construction and in Hanjin and Keppel shipyards, contractual workers receive lower than minimum wages.

Labog noted that the farther the workers are from Manila, the lower their wage rates. Minimum wages are lower outside Metro Manila, he said, despite the fact that the cost of living is not necessarily cheaper in other regions. The KMU chairman said oil prices, for example, are even more overpriced outside Metro Manila.

Labog also discussed the plight of women contractual workers, who are estimated to comprise the majority of contractual workers.

"Women contractual workers receive wages lower than those received by male contractuales. They are denied maternity benefits when they get pregnant, and in some special economic zones, pregnancy automatically means being booted out from work," Labog said.

The KMU called on workers, both contractual and regular, male and female, to unite in calling for the state to scrap the contractualization order. He also called on them to help in pressing Congress to approve House Bill 5110 filed by the Anakpawis Partylist. If enacted, the law mandates the timely regularization of workers while assuring them decent jobs and pay.#

This article was originally published in the Philippine online news site, **Bulatlat.com**, on 22 February 2012 (<http://bulatlat.com/main/2012/02/22/10th-year-of-legalization-of-contractualization-marked-with-nationwide-protests/>). It is reprinted here with some revisions.

UN NGLS interview:

Tujan on civil society's role in Busan outcome document

Editor's note: The following is an interview with Antonio Tujan Jr., IBON International Director, Co Chair of BetterAid and sole civil society representative in the negotiations on the outcome document of the Fourth High Level Forum on Aid Effectiveness (HLF4) held in Busan, South Korea in late 2011. The interview was conducted by the United Nations' Geneva-based Non-Government Liaison Service (NGLS). We are reprinting below the full text of the interview.

NGLS: What were some of the most fervently debated issues during the preparatory process within civil society?

There were of course a million and one issues that CSOs [civil society organizations] around the world wanted to address. But the most common concerns revolved around a) democratic ownership of the development process and policies, b) human rights-based approaches to development as the standard operating principle and procedure, c) better and more ambition in donor commitments to ensure equitable development cooperation partnerships including transparency, untied aid, alignment to country systems, predictability and rights-based results.

NGLS: What was civil society's main achievement in the HLF4 process? What is the biggest issue that remains unachieved?

It was able to move the agenda from only aid effectiveness to an expanded and deepened agenda of development effectiveness that is more premised on democracy and human rights-based results. We need better commitments in equitable, transparent, people-focused aid from OECD [Organisation for Economic Co-operation and Development] donors. We need commitments for accountability and regulation of the private sector and better commitments from new BRICS [emerging countries such as Brazil, Russia, India, China, and South Africa] donors to effectiveness.

NGLS: In light of the answer to the question above, how would you assess the civil society mobilization process in the lead up to this



Forum? What could be improved for the next global level discussion?

CSOs were very effective in bringing diverse voices together, acting from the country levels up to the global level, working on technical issues at par with governments in a very critical and constructive way so that CSOs were recognized as key to achieving success in the preparations for and at Busan. Key to this was the commitment and capacity of several organizations and networks, the construction of BetterAid (and also Open Forum) as an "open platform," a mechanism for inclusive participation that is new and different from networks and platforms in the past.

We would like to coordinate our work better by constructing a unified global platform that is interlinked to several open platforms in work streams and open platforms at all levels down to country level, which will be the focus of work after Busan.

NGLS: For the first time in the history of the High Level Forum on Aid Effectiveness, a civil society representative could take part in the actual negotiation process. What will this entail for civil society and other actors in

the implementation process of the outcome document?

No one is a signatory to the outcome document which remains voluntary for everyone. But CSOs do endorse it — and being CSOs we have a dual attitude to this document: 1) as watchdogs, who have and maintain a normative role in society, we are critical of the document and continue to push to improve it and ensure improved implementation; 2) as parties to the document, we are also morally bound to implement them, and indeed we will ensure the appropriate progressive interpretation of the commitments in this regard, including the commitment for implementation of the Istanbul Principles and Siem Reap Framework of CSO Development Effectiveness.

We are now gearing up to actively implement the commitments by setting up multi-stakeholder country frameworks or compacts in which CSOs will be able to take government and international development partners to account and ensure implementation of commitments for development effectiveness. We will also actively participate in regional, continental and global initiatives and activities for monitoring and ensuring support for country level implementation.

NGLS: How were you selected/elected as the CSO Sherpa? What were some of the biggest challenges that you faced in this position — both within the civil society community and during the negotiation process?

The BetterAid open platform has a Global Coordination Group composed of more than 35 CSO networks which decided on my selection as the CSO Sherpa. This was also supported by Open Forum, the open platform specifically engaged with CSO development effectiveness and a CSO enabling environment. BetterAid has thousands of direct CSO participants besides tens of thousands of indirect participants. A CSO Sherpa is in a sense the antithesis of the usual Sherpa who has upward accountability. My accountability is downward and thus involves an elaborate but difficult process of information, gathering views and

negotiating positions within civil society. BetterAid created a Negotiation Team which supported the Sherpa besides the support from the Secretariat.

We will publish my reflections on the negotiations which were very interesting. Having a CSO Sherpa means having a person with a normative framework (by definition of CSO advocacy responsibility) that needs to deal with compromises in negotiations. This is also complicated by having a moral and not sovereign authority. It is an interesting addition to the equation of international diplomacy — which has tremendous merits and advantages, but also superlative challenges.

NGLS: Where is the international community at in supporting a paradigm shift from aid effectiveness to development effectiveness? How much progress has it made and how much more does it have to do?

The two years preparation to Busan was a process of CSOs convincing the international community to accept development effectiveness which everyone has accepted but in different definitions and interests. It is a miracle but also a result of give-and-take that the Busan Outcome Document has been endorsed. The test, of course, is in the implementation — a challenge that CSOs are gearing up for.

NGLS: What is most needed to ensure that the commitments made in Busan are kept by all stakeholders — including civil society?

The agreement to create a political rather than technical successor to the Working Party is one assurance that the commitments which are fundamentally political will be kept. Second, a more effective organized action by civil society and parliaments will be crucial as the most important stakeholders to ensure political commitment in implementation. There is also a large demand for fulfilling capacity development needs of institutions not only of the executive branch, but also parliaments and civil society. Busan has pointed to this and I hope that there will be better international coordination to deliver.

This interview with **Antonio Tujan Jr.** by the UN Non-Government Liaison Service was first published in the *NGLS e-Roundup*, January 2012, pp. 6-7. The NGLS e-Roundup issue is accessible at http://www.un-ngls.org/IMG/pdf/RU_HLF4.pdf. The text of the interview remains as is, except for several clarificatory brackets which we inserted to spell out acronyms. The Busan Outcome Document mentioned in the interview is available at http://www.aideffectiveness.org/busanhlf4/images/stories/hlf4/OUTCOME_DOCUMENT_-_FINAL_EN.pdf.

The Iron Lady:

The Margaret Thatcher movie we don't need

by Laura Flanders, The Nation



The Iron Lady just opened in London where, let's hope, it generates some serious critique. The critical silence in the United States has been astounding, only made worse by the praise, not just for the film but for its subject, former British Prime Minister Margaret Thatcher, played in the movie by Meryl Streep.

Newsweek's holiday double issue slapped Streep as Thatcher on its cover, hailing "The New Thatcher Era." The feature story in summary reads: "Margaret Thatcher was the infamous Iron Lady the Brits love to hate. This month's bio starring Meryl Streep proves she was right all along."

Streep's already winning awards and accolades, and Oscars are probably on the way. People are saying the film's no whitewash because it shows the former Prime Minister in her dotage, fighting dementia—three decades after she came to power. Director Phyllida Lloyd has described the treatment as operatic. Streep's called it revealing. The two collaborated before on the musical *Mamma Mia!* The truth is, in Lloyd's hands Thatcher's iron isn't just rusty, it's melted down and depoliticized, made feminist enough to root for and ultimately sad enough for some to sniffle at. *The Iron Lady* is Thatcher—The ABBA Version. It's the last thing we need, ever, and especially at this point.

Think of Thatcher and I think of hungry people. Irish hunger strikers, first of all, ten of whom starved to death for status as political prisoners on her watch. Thatcher insisted anti-government rebels in Afghanistan were "resistance fighters," not terrorists, but it was a different story for the Irish. Indeed, in Thatcher's time, there was to be no story, no effort to understand the reasons for the conflict in Northern Ireland; certainly there was to be no discussion or consideration in public of why anyone might pick up a gun, or place a bomb or starve themselves to death.

Long before the USA Patriot Act and the 9/11 demonization of asking "why," Britons were starved of information about the so-called "troubles." Under an ever-expanding Prevention of Terrorism Act, British journalists were forced to report to police any contact with any "known or suspected terrorist." Irish parties to the conflict were banned from speaking on radio and TV, yet Thatcher's government could tell the public any lie it liked. When British secret service snipers shot and killed three unarmed IRA members (two men and a woman, Mairead Farrell) on the island of Gibraltar in 1988, Thatcher's government released an official story about crossfire and a gun fight and a bomb planted near an old people's home. Video footage of an impressive little military robot supposedly defusing an incendiary device played on the evening news. It was all a crock. Lloyd's film shows the IRA's bombings and



bloodshed but not the denial and the deadly government tactics, which likely delayed peace talks for a decade.

Think of Thatcher and I think of the hungry people who started showing up in villages in Yorkshire and Scotland and Wales where work was scarce because Thatcher's experts decided nuclear power was a better energy source than unionized coalfields. Miners went on strike—for a year. Their wives and children collected soup-kitchen money from their churches and their neighbors and when they ran out, they went down to London where they tried to tell their story of helmeted horsemen charging the ranks of union strikers and police bashing men's heads in. But Londoners didn't believe them. They'd heard the miners were greedy and dangerous and a threat to their jobs. After all, "trade union power is the true cause of unemployment," said Thatcher. The 1984 strike by the National Union of Mineworkers gets a couple of seconds on screen in Lloyd's film, but there's no explanation, no follow-up and no consideration: does anyone wish now that they'd listened to the miners then?

"There is no such thing as society. Only individuals," Thatcher also said. With more spending by successive Thatcher governments on police (so-called "law and order") and less on just about everything else, "no society" became true soon enough. The *Iron Lady* shows Prime Minister Thatcher overruling her "wet" male colleagues over waging war with Argentina. A few hundred far-off Falkland Islanders were worth fighting for, she famously decided. A take-control feminist? The film ignores the families in Toxteth (inner-city Liverpool) and Brixton (a largely black neighborhood in London) whom Thatcher found it quite acceptable to sacrifice. Cabinet papers released by the National Archives just now under a thirty-

year rule reveal Thatcher's closest advisers told her that the "concentration of hopelessness" on Merseyside was "very largely self-inflicted" and not worth government repair.

Thatcher didn't—actually—evacuate Liverpool in the aftermath of the 1981 inner-city riots. She led something more insidious. With her professionally crafted "grocer's daughter" image, Thatcher gave class-conscious Britons permission to dismiss real human difficulties with a blow-dried bourgeois smirk: Unemployed? Get on yer bike! Said her administration. Got a problem? You're the problem! In Maggie's world, deprivation is your own damn fault.

Nor did Thatcher give people permission only to look away. Under Thatcher and egged on by her, those who could leave troubled towns and troubled people did, and so did government. We'd "mind the gap" (between the train and the platform) on the London Underground, but we came not to mind the gap between the rich and the rest, the north and the south; the possibilities people had if they needed things to be public and the possibilities they had if they could pay for the private stuff—the private healthcare, the private school, the private house. Today, in a new time of budget wars, The Iron Lady's depiction of draconian cuts as feminist guts is chilling. What Thatcher called "harsh medicine" meant one thing for the poor and another for the very powerful then, and it still does. In both instances, there is hell to pay in social fabric.

I don't remember if Lloyd's *Lady* quotes the real lady's most famous phrase: "There is No Alternative." Certainly TINA deserves star billing. Thatcher's quip about globalized capitalism has defined our epoch. People can debate the successes and failures of "the Thatcher era" all they like. One thing's for certain: we don't need a new one, because the old one's still here. The consequences of the policies Thatcher pioneered and made respectable—deregulation, privatization and globalization—can be measured in public costs and private profits on both sides of the Atlantic. More damning, even, is the enduring cultural habit of denial (looking away) and the political practice of silence—shutting the problem people up.

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Ready for Rio+20:

CSOs hold Porto Alegre workshop

by IBON International

PORTO ALEGRE, Brazil — Some 62 participants from various civil society organizations and social movements from Latin America, Africa, Asia, Middle East and North Africa, and Europe participated in a self-organized side event in this major Brazilian city on January 25 as part of their preparations for the United Nations Conference on Sustainable Development (UNCSD) to be held this June in Rio de Janeiro, also in Brazil.

Entitled “Civil Society Workshop on Alternatives and Peoples Struggles for Sustainability,” the activity was jointly organized by IBON International, ABONG (Brazilian Association of Non-Governmental Organizations) and the People’s Coalition on Food Sovereignty. The “Rights for Sustainability” (R4S) initiative was launched during the event as a contribution towards the UNCSD, more popularly known as Rio+20 as it will be held on the 20th anniversary of the Rio Summit in 1992. The R4S initiative was also launched in another civil society workshop held in New York City on January 24.

The main objectives of the Porto Alegre workshop were (1) to share people’s perspectives, knowledge and practices on sustainable development while identifying enabling or disabling conditions for these alternatives, (2) to assert people’s rights to common goods and explore cooperation among movements and civil society groups, and (3) to explore possible cooperation

for the Peoples’ Summit on Rio+20 in June.

Aldalice Otterloo of ABONG gave the opening and welcome remarks. Pablo Solon, a sociologist, researcher, activist, and Bolivia’s former ambassador to the United Nations, was the keynote speaker who presented a critique on Green Capitalism and the Green Economy (GE) agenda. He further talked about the dangers of the financialization of nature and the promotion of carbon markets in the GE model.

Panel 1 was composed of Tony Clarke, Director of Polaris Institute and co-recipient of the 2005 Right Livelihood Award, and Isaac Rojas, International Coordinator of Amigos de la Tierra – Costa Rica. The two panelists were asked to talk about the ongoing process from COP-17 in Durban, South Africa to the upcoming Rio+20 meet, and their critique of green capitalism and the GE model. Clarke called the GE as the “greening of capitalism” and emphasized the need for system change, while Rojas called it a “perverse” attempt of the capitalist system that has been attacking nature and people for years.

Panel 2 featured Anil Naidoo of the Council of Canadians and Nicole Benedicto of Solidaridad, who both talked about people’s resistance to resource grabs in defense of the common goods.

Naidoo stressed that the GE agenda is a desperate move of a very desperate capitalist system to save itself from the multiple crises, while Benedicto provided a narrative of peoples’ struggles worldwide against intensified resource grabs.

Panel 3 was composed of Michel Lambert of Alternatives and Ivo Lesbaupin of ABONG, a Brazilian NGO platform. Both panelists focused on development and system change as fundamental challenges beyond Rio+20. Lambert talked about the Canadian tar sands struggle against the Keystone Pipeline project, which will destroy indigenous territories and lives. Lesbaupin stressed the need to push for the Common Good of Humanity, and called on governments to rethink their role in the economy and promotion of peoples’ welfare.

Tetet Nera-Lauron, who heads IBON’s Climate Justice Programme, moderated the discussions and invited the audience to be part of the R4S campaign, which aims to promote a rights-based approach to sustainable development as a way of ensuring that inter- and intra-generational equity and justice are central concerns in the reform agenda at Rio+20 and beyond.

The Porto Alegre workshop was held as a self-organized side event of the Thematic Social Forum that was held

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Global civil society rises up over FTAs

by Fauwaz Abdul Aziz, Third World Network

Civil society groups around the world have upped the ante in the global struggle to protect and promote access to medicine and focused their attention on the European Union-India free trade agreement (FTA) currently being negotiated between the two governments.

Bolstered by the leaking of the negotiation texts of the EU-India FTA relating to the intellectual property (IP) provisions, thousands of activists have gone to the streets of capitals globally demanding that the EU desist from putting up further barriers against the supply of affordable generic medicines from India.

India is home to some of the major producers of generic medicines who supply medicines to millions of people. In 2008, 96 countries bought anti-HIV medicines from Indian generic antiretroviral (ARV) producers.

The availability of such medicines from India, much cheaper but of the same quality as the original, has saved thousands of lives of those affected not only by HIV but also cancer, heart disease, mental illness and other conditions.

In Malaysia on February 8, a crowd of some 50 activists staged a protest at the European Commission's office in Kuala Lumpur, calling on it to stop promoting what they assert are trade policies that would jeopardise the lives of millions in India and across the developing world.

The efforts made in solidarity with Indian PLHIV and other health rights campaigners who have also been protesting and calling for a worldwide week of action against the FTA, was by Kuala Lumpur-based Positive Malaysian Treatment Access Advocacy Group (MTAAG+), members of the Malaysian Trades Union Congress (MTUC) and groups working as a coalition on FTAs.

The groups also called on the EU to demonstrate the commitment to human rights that it had so often professed in other fora and on other issues and to drop its demands for all provisions in the EU-India FTA and other FTAs with developing countries (including Malaysia) that will adversely impact access to medicines.

“Access to medicines is a right for all and not a privilege for only those who can afford to pay the exorbitant prices,” the activists’ memorandum reads. The memorandum was submitted by MTAAG+ president Edward Low to the EU delegation’s attaché and head of administration in Malaysia, Edward Feehan.

In India on February 10 – the day the EU and Indian governments held a summit in the country’s capital of New Delhi – a few thousand people marched on its streets against the EU’s push for the IP and IP-related provisions impacting access to medicine.

“We have watched too many people die in places where we work because the medicines they need are too expensive,”

Dr. Unni Karunakara, International President of Médecins Sans Frontières (MSF), was reported as saying.

“We cannot allow this trade deal to shut down the pharmacy of the developing world.”

Similar protest rallies were held in Nepal and in other places across Asia, South America and in Africa.

In Thailand, NGOs on February 10 submitted an open letter to EU Ambassador David Lipman, in which they also raised concerns over the impact that an EU-India FTA might have on the access to medicines.

In London and Brussels, rallies and meetings were held demanding the EU stand down from its push to increase barriers against medical treatment.

Confronted on the concerns raised by activists from Act Up-Paris, European Commission for Trade, Karel de Gucht at a “Civil Society dialogue on Trade, Growth and Development” on February 7 in Brussels assured the meeting that it was the European Commission’s wish to promote “ethical trade” as well as to offer the poorest countries free access to the European market.

Leaked text shows up EU’s true intentions

Notwithstanding the EU’s assurances, leaked texts of the proposals for the EU-India FTA, however, indicate plans to the contrary, especially over IP and IP-related investments.

While some provisions in the leaked texts that have emerged profess respect for the 2001 Doha Declaration that reaffirmed the flexibilities contained in the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) that allow member states to circumvent patent rights for better access to essential medicines, they also reveal the EU's push for provisions that go against the same Declaration.

In effect, the provisions sought by the EU will ultimately reduce India's capacity to continue to remain a producer of generic medicines. These include enforcement provisions that:

- widen the enforcement net so that generic but legitimate and life-saving medicines could be detained or destroyed at the border;
- greatly increase the sanctions against alleged (proof not required) patent and trademark violations, leading to a possible ban on production, delay or even destruction of goods, while the producer faces significant damages and, possibly, bankruptcy charges;
- limit the Indian judiciary's constitutional mandate to balance the interests of private profits against the interests of the public by way of alternative remedies; and
- extend liability to third parties — such as suppliers of ingredients used to produce generic medicines; generic medicine distributors and retailers; non-profits such as MSF who provide treatment; health programme funders; and even regulatory authorities — and thereby serve to deter anyone involved in the

production, sale or distribution of affordable generic medicines.

The leaked documents also detail the EU's proposal on the FTA's investment chapter, which sees it attempting to expand the trade deal to cover investments in intellectual property and to include the controversial 'investor-to-state' dispute settlement mechanism.

“We cannot allow this trade deal to shut down the pharmacy of the developing world.”

In this way, big pharmaceutical and tobacco companies can sue the Indian government over disputes in relation to their investments in intellectual property — such as government policies to make mandatory tobacco warnings or measures to reduce the prices of medicines. India is already facing litigation by pharmaceuticals such as Novartis and Bayer.

Barriers against access to medicine

In a letter to Indian Prime Minister Dr Manmohan Singh on February 8, MSF's Dr Karunakara noted that India has played a pivotal role in supplying affordable generic versions of drugs used throughout the developing world.

“It is vital therefore that further barriers are not created that threaten the supply of affordable generic medicines from India,” said Karunakara.

As a member of the World Trade Organization, he noted, India had

amended its domestic laws to comply with its obligations under the TRIPS Agreement in 2005. Amongst the provisions was the re-introduction of product patent protection for medicines.

At the same time, India had made use of flexibilities available to it under the TRIPS Agreement and introduced public health safeguards to protect and promote public health and ensure that generic production continues from India.

All of this could change, warned Karunakara, if fears by health access activists relating to the EU-India FTA are realised.

In order to ensure that the EU-India FTA does not undermine access to medicines, the MSF president said, the additional threats posed by the enforcement and investment provisions must be addressed.

“At a minimum, we would urge the Indian Government to request the following safeguards are contained in the roadmap to ensure that damage caused to people's access to medicines is minimised:

- the withdrawal of the IP enforcement measures, and as a minimum safeguard, the deletion of patents from the entire scope of the enforcement section;
- the withdrawal of third party liability from the enforcement provisions;
- the withdrawal of specific provisions dealing with injunctions from the enforcement provisions in order to

preserve the existing flexibilities of the Indian judicial system;

- border enforcement should be limited to the requirements of the TRIPS Agreement and as such exclude exports and trademark infringements; and
- the withdrawal of IP and the investor-to-state mechanisms from the scope of the investment chapter.

“India has already shown that it’s prepared to stand firm against harmful demands from the European Commission. As the negotiations are reaching their final stages we urge you to maintain your vigilance and commitment to preserving the space for continuation of the generic production of medicines that we and so many in India and beyond rely upon,” said Karunakara.

Malaysian workers mobilise

Back in Malaysia, meanwhile, top leaders of the MTUC and other civil society groups have also raised related concerns over the EU-Malaysia FTA as well as the Trans-Pacific Partnership Agreement (TPPA) that the Malaysian government is negotiating.

Reliable sources have indicated that the EU’s TRIPS+ demands to ASEAN countries, which it is presumably also pushing for in the EU-Malaysia FTA, as well as those that the US has made in the TPPA negotiations, would actually increase medicine prices by more than asserted over the EU-India FTA negotiations.

On February 4, MTUC president Khalid Atan called for the 800,000-strong workers’ movement

to mobilise against both agreements on account of the many violations of rights that the deals are likely to entail but have yet to be addressed by the government.

“It is time for MTUC to act, to move” the unionist told a forum in Petaling Jaya, just outside the capital.

The EU-Malaysia FTA is entering its eighth round of negotiations. EU officials have expressed hopes that the agreement can be signed by year end. Nine TPPA leaders — including Malaysian Prime Minister Najib Razak — have meanwhile reportedly agreed to work to complete a broad pact by July 2012.

Among the concerns of the MTUC and other civil society advocates are the lack of transparency and consultations with representatives of workers’ groups over the EU-Malaysia FTA and the TPPA, particularly given the history of lopsided provisions in favour of business and investor interests and the adverse effects similar agreements have had on the interests and welfare of people, especially vulnerable segments of society.

What is feared, said Khalid, is that the agreements eventually signed behind closed doors will spell disaster for workers’ rights as well as people dependent on affordable access to medicines and medical treatment.

Other activists, such as parliamentarian Charles Santiago, raised concerns that some government policy tools would be unavailable following the signing of FTAs as investor rights are enshrined to ensure their interests are protected,

even as public interests are at risk by their business practices.

On a similar note, Lim Li Ching of Third World Network warned of the consequences if Malaysia signs onto agreements that allow corporations to sue the government directly if a policy or law were put in place in the public interest but is seen by the company as infringing on their ability to maximise their profits.

Sivarajan Arumugam from the FTA Coalition, meanwhile, recounted the actual results of trade liberalisation via tariff reduction elsewhere around the world, such as Senegal, which lost one-third of its domestic jobs in manufacturing following the implementation of lower tariffs.

Zambia saw employment fall by 40% in five years following similar trade liberalisation.

In the case of Malaysia and the EU, the reduction of export taxes on Malaysian raw materials will have implications for local industries, given the high-technology capacity and production capacity of EU countries in exporting, for instance, furniture that had been made from Malaysian forest products.

Workers in the Malaysian furniture industry face job cuts if their companies are unable to compete with EU companies importing raw materials cheaply into Europe to re-export finished products such as furniture back to Malaysia, said Sivarajan. Malaysian furniture makers can also lose market share in the EU and third countries if

(continued on page 38)

IBON cautions vs negative effects of free trade deals

MANILA — Independent research group IBON warned recently against the harmful effects of regional trade arrangements on the Philippines' local industries and vulnerable sectors, claiming that these are lopsided deals which will only accrue benefits to the European Union and the United States and largely to the disadvantage of developing countries.

IBON's warning on the last week of February came in the heels of news that the Philippine government had expressed interest in signing a bilateral free trade agreement with the EU and joining the multilateral Trans-Pacific Partnership trade agreement.

Free trade agreement with EU threatens PH's IPR, services

The Aquino government is close to sealing a partnership cooperation agreement — a prerequisite for a free trade agreement or FTA — with the European Union (EU) that, among others, commits to liberalizing trade and investments and loosening rules on intellectual property rights (IPRs).

According to IBON, the proposed EU-PH FTA is a practical surrender of national sovereignty as the Aquino government has given up economic protection needed for self-reliance and national development.

The United Kingdom (UK) embassy announced earlier that the country has already approved the partnership cooperation agreement (PCA), a framework deal without specific commitments but setting general directions for economic, political and social issues between the EU and the

Philippines. The UK was the last EU member to approve the PCA text, which can now be formally signed by the EU and the Philippines, paving the way for an EU-PH FTA.

According to IBON research head Sonny Africa, IPRs extend to data protection, plant variety protection and geographical indications, which will have implications for farmers' access to and control of seeds, people's access to medicines, and people's access to cheap technology, among others.

Moreover, the EU-PH FTA will also allow foreign corporations to seek national treatment, or to be treated like Filipino nationals, enjoying equal privileges. The EU will also be allowed to participate in medical services and provision of expertise, which edges out local medical practitioners and health workers.

According to Africa, an EU-PH FTA will bind the Philippine government and disallow it from reversing policy decisions in the future. It will also bind the Philippine government to give to the EU whatever privileges it gives to other countries.

"The fact that the Aquino government is seeking to enter into such an unequal relationship sends signals to other capitalist countries, particularly the US, that the Philippines is very willing to forge other FTAs and be the launching pad for other FTAs in the ASEAN and the entire region," said Africa.

TPPA to benefit only the US, bring harm to local industries

Meanwhile, IBON also cautioned the Aquino government in committing to a free trade agreement with the US, as a US trade official visited the country to secure new trade and investment areas, as well as the possibility for a new trade pact.

US Assistant Trade Representative Demetrios Marantis is in Manila to continue discussions on the Philippines' access to the Trans-Pacific Partnership (TPP), which the US is pushing among Asia-Pacific Economic Cooperation (APEC) members. Like previous US-led trade agreements, the TPP seeks to eliminate tariffs among countries in the region to ensure the free flow of US goods, services and capital in Asia Pacific. Access to the TPP is by invitation, and the Philippine government has reportedly expressed its intention to the US that it wants to join the regional pact.

The Department of Trade and Industry (DTI) had earlier announced that the country's joining the TPP would pave the way for some billions of dollars worth of exports for the Philippines. However, IBON said that while the agreement may result in increased economic activity, the benefits would be largely limited to US-based industrial, agribusiness and service corporations.

Unlike Philippine sectors, the US economy remains increasingly protectionist. Its agriculture sector, including rice and corn, for example, is still heavily subsidized despite its membership to free trade agreements
(continued on page 37)

IBON at UN HRC seminar: 'Climate finance must do justice to poor, adhere to human rights'

by IBON International

As climate change financing starts to flow, the international community must ensure that the money is used in ways that adhere to human rights and do justice to the poor and marginalized, an IBON International representative told fellow participants of a United Nations seminar in Geneva, Switzerland on 23 February 2012.

Maria Theresa Lauron of IBON spoke as a panelist at the seminar on climate change and human rights of the UN Human Rights Council at the Palais des Nations in Geneva on 23-24 February.

The two-day seminar was convened by the Office of the High Commissioner on Human Rights to further awareness of the links between human rights and climate change, and to improve ties between the human rights and climate change communities.

Panelists in the seminar included representatives from various UN agencies. Lauron was part of the panel on international cooperation and respect for human rights in all situations. Her presentation focused on human rights challenges facing climate change financing.

"As the climate finance architecture takes shape and money starts to flow into countries at scale, the issue of climate finance effectiveness increasingly comes to the fore, above all to do justice to the poor and marginalized whose rights and development prospects are being diminished," she said.

She noted the lack of human rights adherence in climate finance, as seen in traditional aid relationships being replicated in climate finance provision, as well as the lack of rules in making

developed countries fulfill their financing commitments.

Lauron recommended that the international community enforce tougher rules for developed countries to keep to their financing promises, and enable developing countries to strengthen democratic ownership over external climate monies.

A summary report of the seminar will be presented at the June 2012 session of the Human Rights Council and made available to the 18th session of the Conference of Parties to the UN Framework Convention on Climate Change. #

CSOs hold NY global workshop on Rio+20 zero draft

by IBON International

Some 70 representatives of civil society organizations (CSOs) and social movements from around the world attended the "Global Civil Society Workshop on the Rio+20 Zero Draft and Rights for Sustainability" at the Church Center for the United Nations in New York City last January 24.

The workshop gathered society representatives from various Major Groups and Stakeholders to examine the contents of the Zero Draft of the

outcome document being prepared for the United Nations Conference on Sustainable Development this coming June in Rio de Janeiro, Brazil.

The event was an opportunity for CSOs to strategize how to influence the outcome of the Rio+20 negotiations in favor of the rights-based approach to sustainability. It further aimed to analyze to what extent key CSO asks on human rights, equity and justice are reflected in the draft and to bring civil

society voices from the South to engage in the official Rio+20 process.

The workshop was organized by IBON International in cooperation with Asia Pacific Research Network (APRN), People's Coalition for Food Sovereignty (PCFS) and Centre for Environment and Development (CED) with the support of Diakonia - Asia Regional office, Both ENDS and the World Council of Churches (WCC). #

Ibon Cautions vs... (continued from page 35)

like the World Trade Organization. This has overwhelmed Philippine agriculture, which is already suffering from decades of liberalization and lack of state support. It will also impede efforts toward strengthening Filipino industry, as the US moves to secure much of the local market.

IBON added that as the US faces worsening economic crisis, the need to expand US economic influence in the region becomes more urgent for its

economic recovery. Forging agreements like the TPP aims to further hasten and expand economic liberalization in the region while moderating Japan and restraining emerging economic giant China.

The Philippines, as well as other developing countries in the region, have seen their livelihood deteriorate after decades of free trade and liberalization. Instead of free trade agreements, the country needs trade protection against

massive imports to protect and build the domestic economy, IBON said. #

This article is from two original articles from the IBON Foundation website: "Free Trade Agreement with EU threatens PH's IPR, services" (http://ibon.org/ibon_articles.php?id=200) and "As Assistant US Trade Rep visits PH, gov't cautioned versus possible free trade deal with US" (http://ibon.org/ibon_articles.php?id=206), posted on 25 January 2012 and 29 February 2012.

New CSO platform to coordinate global aid engagement

by IBON International

MANILA — A new open platform is now being built to facilitate civil society engagement and representation in the global aid process, and to coordinate the related efforts of many civil society organisations (CSO) worldwide.

The formation of the CSO-led open platform¹ was decided at the Post-Busan Global CSO Meeting, held in Cebu, Philippines from February 21 – 23. The resulting "Cebu Consensus" outlines how CSOs will work together in the new "Global Partnership for Effective Development Cooperation" (GPEDC) that sets the framework for development cooperation policy and practice after the 4th High Level Forum (HLF) on Aid Effectiveness took place in Busan, Korea, in November 2011.

The new CSO platform, the name of which is yet to be finalised, is expected to be established by September this year, when the pre-existing Better Aid Coordinating Group and the Global

Facilitation Group of the Open Forum for CSO Development Effectiveness complete their mandates.

The three-day talks at Cebu featured 80 participants of networks and constituency organisations from Africa, the Asia-Pacific, Latin America, North America and Europe, as well as representatives of thematic and sectoral CSOs. The talks focused on assessing the new platform's objectives, structures and working modalities.

However, leading participants concede there remains much work to be done on refining the details of the platform's shape and operation, with decisions still to be finalised on such issues as governance, structure and funding.

The "G13" — the group tasked to provide proposals for the new CSO governance structure — will meet in Amsterdam in April to discuss further goals, objectives, strategies and

structures of CSOs under the GPEDC. This will be followed from May to September by consultations across thematic and regional groups of Better Aid and the Open Forum, before the governing body meets for the first time in September.

Included in the platform's key areas of work will be promoting and advocating for effective, equitable and rights-based development policies, practices and approaches, promoting CSO effectiveness through the already established CSO development effectiveness principles and framework, and consistently continuing to advocate for human rights, gender equality, decent work, environmental sustainability, democratic ownership, and a radical change in the international development cooperation and global governance system.

In line with the changing landscape of aid and development effectiveness after

HLF-4 in Busan, the new platform will adopt the “global light, country heavy” approach. Strategic work undertaken at a global level will be “light”, with work focused at the country level, using existing structures and seeking to “support and empower in-country development activities and advocacy efforts, platforms and networks.”

Better Aid, co-chaired by Antonio Tujan Jr of IBON International and the secretariat of which is hosted by IBON International, became the official coordination platform for CSOs after HLF-3 in Accra, Ghana, in 2008, that strengthened CSO influence on the official aid reform process. At HLF-4 in Busan, Tujan became the first ever civil

society representative to take part in the official negotiations which finalised the HLF outcome document — the Busan Outcome Document.

The Open Forum for Civil Society Development Effectiveness was established after Accra by CSOs to identify and codify the essential elements of CSO development effectiveness. Through extensive global consultation, it produced the eight Istanbul Principles of CSO Development Effectiveness², and subsequently the Siem Reap Consensus on the International Framework for CSO Development Effectiveness³ as an enabling framework for the principles.#

Notes

1. The term “open platform” is used among CSOs to emphasise the non-exclusiveness, and thus presumably the more representative and democratic character, of a broadly-based CSO formation or network.
2. The Istanbul Principles can be accessed at the Open Forum website, as http://www.cso-effectiveness.org/IMG/pdf/final_istanbul_cso_development_effectiveness_principles_footnote.pdf.
3. The Siem Reap Consensus can be accessed at the Open Forum website, as http://www.cso-effectiveness.org/IMG/pdf/final_framework_for_cso_dev_eff_07_2011-3.pdf

Global Civil Society... (continued from page 34)

Malaysia has to remove export taxes on raw materials like wood.

Malaysian human rights commission steps up

In an earlier meeting, officials of the Human Rights Commission of Malaysia (Suhakam) had said they will be deliberating over the possibility of carrying out a human rights impact assessment of the FTAs that the Malaysian government is negotiating given the concerns raised over the agreements’ potential violation of human rights.

Commissioners Khaw Lake Tee Muhammad Sha’ani Abdullah also said they were aware of the concerns, particularly with

regard to intellectual property and the related issues of patenting and access to medicine.

If the Commission agrees to carry out the human rights impact assessment, they would be the second ASEAN government to do so after Thailand.

The National Human Rights Commission of Thailand carried out a human rights impact assessment of the now abandoned US-Thailand FTA and found that the FTA would violate the human rights of Thai people and affect the country’s sovereignty.#

This article was first published in the **Third World Network (TWN)** news site on 17 February 2012 (<http://www.twinside.org.sg/title2/health.info/2012/health20120205.htm>). It is reprinted here with only minor technical editing.

**US out of the Philippines!
US out of Asia-Pacific!**

Aquino aligns with US military buildup in Asia-Pacific, a threat to peace in the region

Statement by BAYAN USA, 2 February 2012

Filipino-Americans across the US, under the banner of BAYAN USA, express condemnation and disgust over the efforts of Philippine President Benigno Simeon “Noy-Noy” Aquino III to accommodate the “new” US defense strategy that entails a so-called “rebalance to Asia”, including an increase in US military presence in the Philippines. BAYAN USA also denounces the US government’s Cold War-style media offensive against economic rival China as a pretext to justify its gross expansion of US military powers in the Asia-Pacific in order to increase US economic, political, and military investments in the region.

Economically-motivated

Under neoliberalism, the US economy is largely dependent on the Pacific Rim, particularly because of its export position. In 2010, the 21 economies that make up the Asia-Pacific Economic Cooperation (APEC) forum accounted for 61% of US exports (\$775 billion) and 37% of private services exports (\$205 billion). The US economy’s export position in the region accounts for nearly 5 million US jobs. But for countries such as the Philippines, the US investment and export position is at the heart of deepening crisis and poverty due to lack of sovereign claim to natural resources and territory. In line with their national interests, countries like the Philippines must wage fierce struggles against US interventionism in order to assert their right to chart their own economic and political paths.

With China’s economic growth threatening US dominion over the region, and with Obama’s push for a Trans-Pacific Partnership (TPP) agreement that would outline a US-dominated free trade zone in the region, the US government has announced it will shift its military focus away from Iraq and Afghanistan and renew its commitment to assert its position in Asia-Pacific. It has found a reliable stooge in the Aquino government. Recent negotiations framed as a

Strategic Dialogue between top Washington security and defense officials and the Aquino administration have laid the ground work for the consolidation of the Philippines as a key US military base location, serving as a permanent staging ground for US military offensives, storage space for surveillance drones, resupply and refueling station for US warships and aircrafts, as well as rest and recreational facility for US servicemen.

In addition to violating Philippine national sovereignty, Aquino’s compliance in accommodating US saber-rattling seeks to undo the 1991 landmark decision of the Philippine Senate to reject the US bases treaty that essentially shutdown permanent US military bases Subic Naval and Clark Air Field, by once again opening these ports for indefinite and “rotational” basing of US troops throughout the archipelago.

Aquino positions the Philippines in the crossfire

Not only does Aquino government reach an all-time high in the barometer of US puppetry with these negotiations, it is aligning the Philippines with a military scheme that will threaten peace in the entire Asia-Pacific region. The US government, driven by its war-dependent economy, is expanding its military presence in Asia-Pacific region under the rhetoric of security in the South China Sea and in particular the territorial dispute over the Spratly Islands, when in fact it seeks an excuse to provoke military aggression and create a war-like situation against China that will boost up its military-industrial complex at the expense of the surrounding countries. Such compliance on the Aquino government’s part will surely position the Filipino people in the middle of the crossfire.

Starting with the Philippine-American War of 1899, which marked the advent of US imperialism onto the global stage at the turn of the 20th century, 113 years of US geopolitical strategy in the region has left the Philippines with a tragic history and ongoing reality of US military infestation whose social costs have burdened its people with untold pain and misery. From hosting the largest US permanent foreign military bases to succumbing to the onerous US-RP Mutual Defense Treaty (MDT) — the mother of all unequal military treaties and agreements — to the virtually permanent Visiting Forces Agreement (VFA), over one century of US military presence in the country has been directly linked to the indiscriminate killings, rape and other sexual offenses, massive displacement of rural communities, waste, disease, and other forms of human rights abuses.

Call for resistance and solidarity

As Filipinos in the US, BAYAN USA sees concretely how both the Aquino and Obama governments — guardians of financial oligarchy — are acting in betrayal of the broad interest of the Filipino and American peoples. Just as

the poor grow poorer in the Philippines under Aquino's failed economic policies, so are working people in the US forced to carry the heavy burden of paying for a debt crisis they did not create. As peoples' resistance to the intolerable 1% escalates amidst the crisis, BAYAN USA joins the call for greater solidarity between people in the US struggling against the US military-industrial complex and for economic equality and the Filipino people's ongoing struggle for genuine national independence and democracy. This must translate to greater efforts to expose and oppose the US geopolitical strategy in the Asia-Pacific region as a scheme of the purveyors of crisis and war to maintain tight control over the region's wealth. Peoples' resistance and firm solidarity are keys in our efforts to frustrate US interventionism in the region!

US out of the Philippines!

US out of Asia!

Junk the US-RP Mutual Defense Treaty!

Junk the US-RP Visiting Forces Agreement!

Uphold Philippine national sovereignty!

Long live international solidarity!

This statement was issued by the U.S. chapter of militant Philippine organization **Bagong Alyansang Makabayan**, or BAYAN, on 2 February 2012 (<http://www.bayan.ph/site/2012/02/us-out-of-the-philippines-us-out-of-asia-pacific-bayan-usa/>).

Ready for Rio+20... (continued from page 31)

from January 24-29, 2012 also in Porto Alegre. This year's forum, which was organized as a preparatory stage for the Rio+20 People's Summit in June, carried the theme "Capitalist Crisis, Social and Environmental Justice."

For comments and suggestions regarding the R4S campaign, contact Paul Quintos of IBON International at pquintos.ibon@gmail.com.

The Iron Lady (continued from page 30)

Grow the gap between government and the governed and you get what we have: a burnt-out world driven by the super-super-rich where some are stealing others blind and billions are alienated or angry, sure that government has nothing to offer but a bash on the head.

Lloyd's soft-pop version deals with none of this. Ironically, the "deeds matter" Thatcher herself would probably be the first to dislike this shrunken, personal-over-political fantasy of her inner life. Lucky for us,

we don't need to worry about her. We need to worry about us. We are not demented. There are alternatives. There always have been. What we need (among other things) are more movies about the women—and maybe a few of the men—bringing those to life.

This review was published in **The Nation** on 4 January 2012 (<http://www.thenation.com/blog/165450/iron-lady-margaret-thatcher-movie-we-dont-need>).

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IBON Education for Development Magazine

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Quezon City, 1103 Philippines

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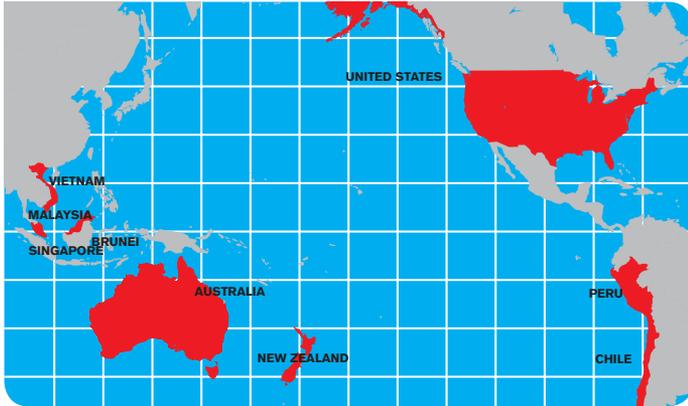
Excellent Very good Satisfactory Poor

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TPPA as a US Geopolitical Strategy

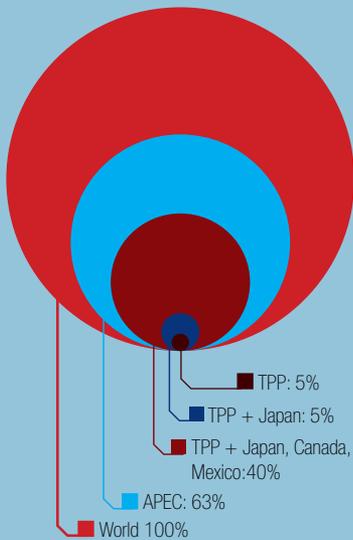


There are more than 180 preferential trade agreements among Asia-Pacific countries, most of which do not include the United States, presenting a challenge to the US' ability to retain its economic clout and full economic engagement with the region. The TPP is viewed as an opportunity for the US to address the rapid rise in preferential trade agreements, with a goal of ensuring that US goods and services remain competitive in the region and that the US plays a central role in developing a framework for future regional free trade negotiations.

Combined, the TPP member countries represent the United States' fourth-largest export market: \$80.9 billion (USITC)

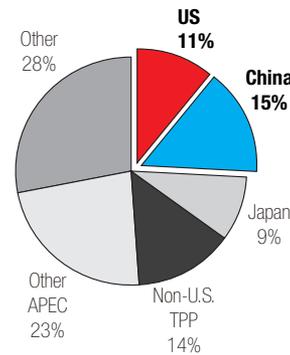
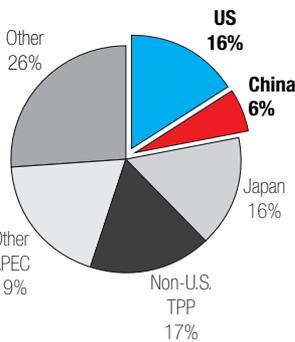
US Merchandise Trade (Shares of total, 2010)

Current TPP countries represent about 5% of all US trade. Canada, Japan, and Mexico would increase the TPP's share of US-world trade from 5% to 40%. Expansion of the TPP negotiations to these additional economies would increase its economic significance to the US.



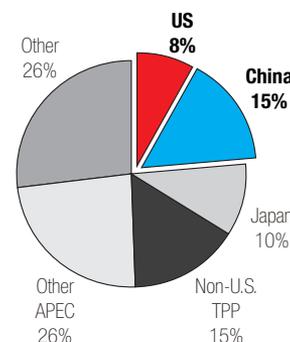
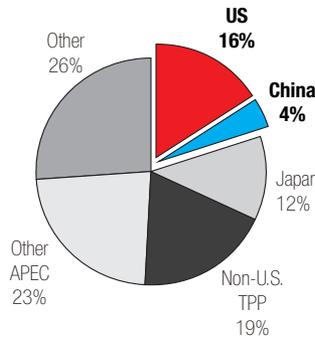
YEAR 2000 2010

Destination of Merchandise Exports for non-U.S. TPP Countries*



In 2000, the US accounted for 16% of all goods exported to non-US TPP countries. By 2010, the US' share had fallen to 11%. During the same period, China's share of goods exported to non-US TPP countries increased from 6% to 15%.

Source of Merchandise Imports for non-U.S. TPP Countries*



In 2000, the US was also the top importer from other TPP countries, receiving 16% of all exports from non-US TPP countries, but by 2010 this share dropped to 8%. Again, China's share increased from 4% to 15%, over the same time period.

The share of US imports coming from China increased from 8% to 19%, some of which may be the result of a shift in lower-cost production to China from other Asia-Pacific countries. China has also been active in negotiating trade agreements with TPP countries. The US is the only TPP country that has neither a completed FTA nor ongoing trade agreement negotiations with China.