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NEGOTIATOR, AND
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HUMAN RIGHTS TREATIES

~ Global Progress Depends on Local Education & Action By Kay Meyer

Eleanor Roosevelt reminds us of something she clearly understood over 60 years ago... *"Where, after all, do universal human rights begin?*

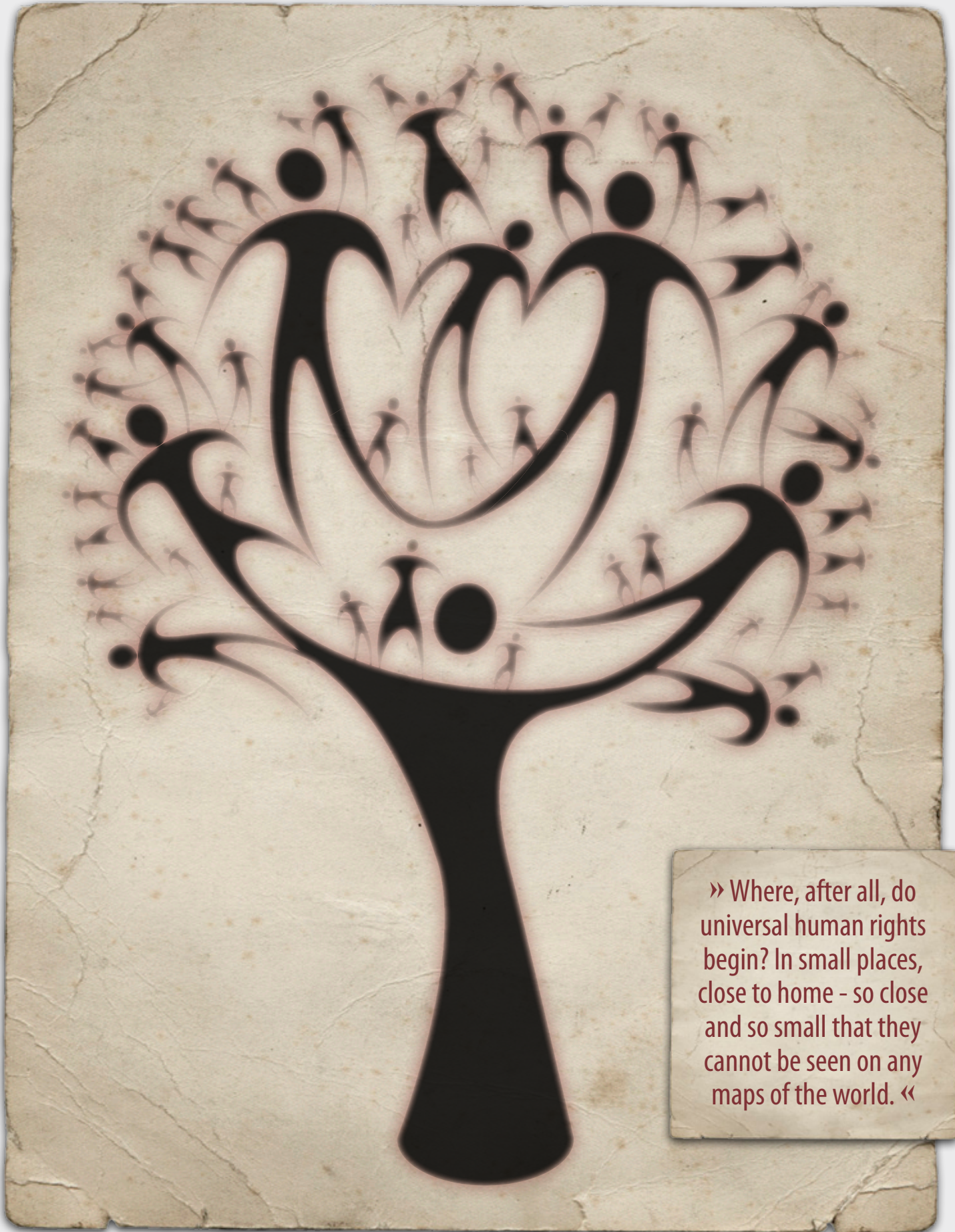
In small places, close to home - so close and so small that they cannot be seen on any maps of the world. Yet they are the world of the individual person; the neighborhood he lives in; the school or college he attends; the factory, farm, or office where he works. Such are the places where every man, woman, and child seeks equal justice, equal opportunity, equal dignity without discrimination. Unless these rights have meaning there, they have little meaning anywhere. Without concerted citizen action to uphold them close to home, we shall look in vain for progress in the larger world."

Human rights treaties - those noblest agreements protecting the dignity of human beings...irrefutable, right? Well, yes.

But, crafting them and making them work requires what one diplomat, Elise Boulding, termed 'waging peace'. Unless you are a diplomat or a human rights worker, you may not know much about these prime examples of collaboration. So, here it is in a nutshell: The Universal Declaration of Human Rights, adopted by the United Nations in 1948, is the trunk of the 'family tree' of human rights treaties. Eight primary branches (treaties) have grown out of this core understanding. All have similar implementation strategies, yet each is unique to the needs of particular populations.



Treaty	Year Adopted	Year In Force	Year U.S. Ratified
Universal Declaration of Human Rights	1948	N/A	N/A
Convention on the Elimination of all forms of Racial Discrimination (CERD)	1965	1969	1994
International Covenant on Civil & Political Rights (CCPR)	1966	1976	1977
International Covenant on Economic, Social & Cultural Rights (CESCR)	1966	1976	1977
Convention on the Elimination of all forms of Discrimination Against Women (CEDAW)	1979	1981	not yet ratified
Convention Against Torture, & Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)	1984	1987	1994
Convention on the Rights of the Child (CRC)	1989	1990	1995
Int'l Convention on the Protection of the Rights of All Migrant Workers & Members of Their Families (CPMW)	1990	2003	not yet ratified
Convention on the Rights of Persons with Disabilities (CRPD)	2008	not yet in force	not yet ratified



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Do these treaties really make a difference? Do countries comply with the requirements of the human rights treaties that they join? Are these treaties effective in changing a nation's behavior for the better? Do human rights agreements have any effect on international trade or vice versa? The efficacy of human rights treaties has been the subject of many a debate and numerous studies.

The general conclusion of the studies has been that the record is mixed but leans toward the positive. Because human rights treaties tend to be weakly monitored and enforced, the countries that ratify may enjoy the benefits of ratification - including, perhaps reduced pressure for improvements in practices - without bearing the costs associated with actually doing something. So, the treaties' positive effects may sometimes be offset or even outweighed by less beneficial effects. (Yale Law Journal, 2002)

Improvement in human rights is typically more likely if the country is more democratic or its citizens participate in more international non-governmental organizations (NGOs). Conversely, in very autocratic regimes with weak civil societies, ratification can be expected to have no effect and is sometimes even associated with more rights violations. (Journal of Conflict Resolution, Neumayer, 2005)

One of the most significant challenges facing the international community is maintaining a fair and predictable international trade regime, while at the same time, making progress toward addressing global social ills. A linkage between human rights and trade policies is perhaps necessary to achieve progress on human rights goals because of the lack of effective enforcement mechanisms within the human rights treaties. (Virginia Journal of International Law, Karbowski, 2009)

However, because of commitments they have made to the World Trade Organization (WTO), many nations are unable to actively address human rights policies. Policies intended to improve areas such as human rights or environmental conservation are judged as 'limiting market access' and so have been abandoned to avoid WTO economic sanctions. And, because WTO dispute settlement is costly and attracts international attention, nations often want to avoid it. This creates a chilling effect on the formation and implementation of policies that could otherwise benefit international human rights. (Ibid)

Creative solutions that do not interfere with the WTO rules are being found in private and voluntary labeling systems. Examples of these labels are ENERGY STAR, 'Fair Trade', and 'No Sweat'. However, there are myriad examples of the failure to come to accord when private stakeholders on opposite sides of the debate deadlock who are unable to reach a mutually acceptable solution. (Ibid)

Is it the 'fault' of a human rights treaty itself that there should be such diverse handling? Should these accords of how people should be treated not exist? Should they be derided, as some are, as signs of weakness and naivety? Should governments become more or less involved?

From a more philosophical point of view, perhaps a nation's handling of these treaties could be considered a good



descriptive measure of where that particular society is in its development as a civilization at that point in time. For example, a totalitarian regime may ratify a human rights treaty to curry favor with the world community without any intent of pursuing reform of its repressive practices. A democratic society may debate the nuances of a particular provision for decades without committing to the spirit of the treaty. Another country may express its position by ratifying the treaty with numerous reservations, declarations, and understandings. And, as found by at least one research study, how a treaty is implemented and monitored depends to a large extent on the informed and engaged citizenry of the nation that ratified it.

In the United States, CEDAW, the Convention on the Elimination of All Forms of Discrimination Against Women, is a good example of prolonged deliberation. In fact, CEDAW has undergone 30 years of deliberation in the

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U.S. Although CEDAW is endorsed by over 200 major civic organizations, the U.S. Senate has failed to ratify this treaty for numerous reasons stemming from constituent concerns and criticisms. Today, only eight countries have refused to ratify CEDAW: the United States, Iran, Sudan, Somalia, Qatar, Nauru, Palau and Tonga.

CEDAW defines discrimination against women as any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of marital status, on the basis of equality between men & women, of human rights or fundamental freedoms in the political, economic, social, cultural, civil, or any other field.



CEDAWs History in the U.S.	
1979-80	United Nations adopted CEDAW; 63 countries plus U.S. President Carter signed treaty. Because CEDAW is an international treaty the U.S. Senate must ratify the agreement for adoption – that has never happened.
1994	U.S. Administration recommended ratification; Senate Foreign Relations Committee recommended ratification; several Senators put the ratification vote on hold.
2002	Foreign Relations Committee again recommended ratification; session elapsed without passage.
2008	185 nation states have ratified. Somalia, Sudan, Iran, Qatar, & the United States have not.
2009	The Obama Administration has CEDAW under review. The treaty is once again on the agenda for consideration by the U.S. Senate Foreign Relations Committee.



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Major concerns of CEDAW include speculation that the U.S. would lose its national sovereignty upon signing, that the “laws of nature” or the Shariat are violated, and probably most timely – it is either too weak or too strong regarding abortion and family planning.

Of the 200± endorsing organizations, one loud voice is that of Zonta International. Because of its international scope, having clubs in 67 countries, Zonta’s involvement with CEDAW is a good example of the kind of interest and involvement mentioned as necessary to make a human rights treaty work. Zonta International has consultative status as an NGO with several deliberative councils of the United Nations and has been a party to the reports and testimony there for many years. However, engagement in such matters by Zontians at the local club level is a fairly new development.

When Zontians in the United States were educated regarding the provisions of CEDAW, they began to search for ways to express their support for U.S. ratification. Dialogue with chapters of the *American Association of University Women and Business & Professional Women* led

to learning that some State Legislatures had passed resolutions of support, which were sent to the U.S. Senate. This also led to panel discussions and interactions with State Legislators. The result... resolutions passed by the State Legislatures of Colorado and Washington urging CEDAW ratification. The Treaty is currently under review by the Obama Administration and is once again on the agenda of the Senate Foreign Relations Committee.

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Zontians in nations that are already a party to CEDAW are examining their role as members of the larger NGO to determine how best to assist in monitoring the treaty’s implementation in accordance to their local laws & civic structures. In addition to the regular reports required by countries that are party to the Treaty, there are ‘shadow reports’ where NGOs and civil society prepare a separate report that the CEDAW Committee considers alongside the formal report. Like other human rights

treaties, CEDAW makes very general, sometimes ambiguous points. This means that at the national and local levels, the wording must be reinterpreted, negotiated, contested, and locally owned. Zontians are learning about how to do this with CEDAW.

Why should the U.S. Senate see ratification of CEDAW as important?

- To join other countries in supporting a global definition of human/women’s rights.
- To deny countries resisting CEDAW reforms, v the excuse that the United States is an example of not needing such guidelines.
- To demonstrate & emphasize that violence against women is part of a larger pattern of discrimination.
- To begin to better align current U.S. laws and statutes for enforcement purposes.
- To assure U.S. women that their government affirms their human rights.

Kay Meyer is the Zonta International Lieutenant Governor for District 12. Contact Zonta International at www.zonta.org or the Rocky Mountain District at www.zontadistrict12.org. For further information on CEDAW, link to www.womenstreaty.org or www.ohchr.org/english/bodies/cedaw/index.htm. ▲