

: Programme

International sef: Expert Workshop **Human Rights and the Global Economy** Interdependence in the context of unequal power relations

Gustav Stresemann Institute, Bonn

7-8 September 2017

Conference language

English

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BACKGROUND

The global economy and human rights are closely connected. The global economy has the potential to contribute substantially to prosperity worldwide. It can enable people to earn a living, it provides important goods, and – ideally – it also contributes to the dissemination of internationally agreed human rights standards, for example with regard to labour rights or social and environmental standards.

However, the relationship between the global economy and human rights – whether civil, political, economic, social or cultural – is complex and often difficult. The normative frameworks of the capitalist economy and of human rights differ substantially. In a capitalist world, competition and individual profit maximisation are core values. The human rights framework, by contrast, is based on the principle that all human beings are free and equal, and that they should be able to live a decent life in dignity, while respecting the rights of others.

This kind of respect is exactly what human rights advocates are asking from the global economy and its protagonists. However, the predominant economic system causes considerable harm. Weaker regional and national economies cannot compete with global players, and marginalised groups or individuals rarely benefit. Far too often, the political frameworks at the international, regional and national level allow companies to put profit first, above people's rights or environmental concerns.

In the last two decades we have seen growing efforts within the international human rights system to address existing governance gaps more systematically and effectively. As the main outcome so far, the United Nations Guiding Principles on Business and Human Rights were endorsed by the UN Human Rights Council in 2011. Parallel to various national "action plans" in order to implement the Guiding Principles, efforts continue to draft an international treaty that legally binds transnational corporations to respect human rights.

But, despite these efforts, why are universal human rights still not better protected by states and the international community? Unequal power relations between states, the economy and civil society certainly play a decisive role. The economy's influence on international trade agreements and on global and regional cooperation for market regulation, for example, appears to be very high. However, distinguishing between good and bad is not an easy task. Some governments willingly collaborate with economic actors for their own (personal) profit at the expense of the public at large. At the same time, some companies not only respect human rights but also actively contribute to enhancing social and environmental standards in their countries of operation or along their supply chains.

The coexistence of competing and sometimes even conflicting international regimes – and goals, such as investment protection or trade promotion – is another central challenge. Human rights advocates argue that the human rights regime must always have primacy. But some countries and economic actors see (some) human rights as a hindrance to economic development. In this context, a highly controversial strategy to enforce primacy of human rights is having recourse to extraterritorial obligations. The defenders of this strategy claim that states have an overriding responsibility to protect human rights, even beyond their own borders. Are countries obliged to prosecute human rights violations outside their territory – or is this to be seen as undue interference?

So how and in which direction should we continue on the path for a better relationship between the global economy and human rights? How can we challenge structures that favour unequal power relations to the detriment of human rights? Can we transform the free market economy into a fair and respectful one?

During the International sef: Expert Workshop, these questions will be debated by a small group of experts from various professional, academic and national backgrounds. The Workshop aims to generate fresh ideas on how to further improve global economic cooperation from a human rights perspective.

: Thursday, 7 September 2017

- 12.30 hrs Registration and light refreshments
- 13.00 hrs Welcome and introduction
Professor Lothar Brock
Chairman of the Advisory Board of the Development and Peace Foundation (sef:)
Senior Professor at Goethe University Frankfurt/Main

SESSION I

THE RELATIONSHIP BETWEEN HUMAN RIGHTS AND THE GLOBAL ECONOMY.

NORMATIVE FRAMEWORK – PRACTICAL EVIDENCE – CURRENT DEVELOPMENTS

Key questions:

- How does the normative foundation of human rights differ from that of the predominant economic system? What are the implications of these differences?
- What are the benefits of the current global economic order from a human rights perspective? What kind of harm does it cause to the realisation of human rights?
- What have been recent developments in the debate about human rights and the global economy? Does this debate have a practical impact on central pillars of global economic governance such as the multilateral trade and investment regime or the international financial system?

Chair

Professor Henning Melber

Member of the Advisory Board of the Development and Peace Foundation (sef:)
Senior Research Associate, The Nordic Africa Institute, Uppsala

- 13.30 hrs Inputs

Universal human rights in a capitalist world: An antagonism?

Professor Janet Dine

Professor of International Economic Development Law
Queen Mary University of London

Recent developments in the debate about human rights and the business:

Practical impact and perspectives

Professor Karin Buhmann

Department of Management, Society and Communication
Copenhagen Business School

- 14.00 hrs Plenary debate

- 15.00 hrs Coffee break

SESSION II

THE NEED TO CHALLENGE UNEQUAL POWER RELATIONS

Key questions:

- What are the underlying structures and relationships that lead to human rights violations by the global economic system and its protagonists?
- How do states and the international community perpetuate these structures?
- Are voluntary agreements and principles part of the solution – or part of the problem?
- How can we challenge power inequalities in international economic systems that adversely affect human rights? What are the specific options and responsibilities of international organisations, national governments, social movements, trade unions, progressive multinational corporations and other relevant actors?

Chair

Jens Martens

Member of the Advisory Board of the Development and Peace Foundation (sef)
Director, Global Policy Forum, Bonn/New York

15.30 hrs

Panel discussion

Phil Bloomer

Executive Director

Business & Human Rights Resource Centre, London

Ranja Sengupta

Senior researcher

Third World Network, New Delhi

16.00 hrs

Plenary debate

17.00 hrs

Short break

SPOTLIGHT SESSION**INTERNATIONAL FINANCE AND HUMAN RIGHTS: IS THERE SCOPE FOR A MUTUALLY BENEFICIAL RELATIONSHIP?**

Key questions:

- How do the financial market and financial institutions influence human rights? In particular, what is the impact of the financial system on economic structures and performance, and, ultimately, on the socioeconomic rights of people?
- What would have to change at a macro level to avoid the financial system having negative impacts on socioeconomic rights?
- How can the power of global finance be used to enhance human rights?

Chair

Eva Hanfstängl

Bread for the World/ACT Alliance, Berlin

17.15 hrs

Input

Dr Mary Dowell-Jones

Technical Specialist in Financial Stability

Financial Conduct Authority, London,

Honorary Assistant Professor

School of Law, University of Nottingham

17.30 hrs

Plenary debate

18.15–18.45 hrs

Take-home messages of the day

19.00 hrs

Informal dinner

: Friday, 8 September 2017

9.00 hrs

Welcome coffee

SESSION III

TOWARDS PRIMACY OF HUMAN RIGHTS IN THE GLOBAL ECONOMIC ARCHITECTURE

Key questions:

- How would the international economic system need to change to achieve primacy of human rights law? What would this mean for institutions such as the WTO, the World Bank and the IMF and for regimes like the international investment regime? How could they become “human rights-proof”?
- How does the current disintegration in the world trade system affect primacy of human rights?
- How do different standards in the implementation of human rights impinge upon the preferential treatment of these rights? How can/should economic actors deal with different standards?

Chair

Dr Christian Scheper

Senior Researcher, Institute for Development and Peace, University of Duisburg

9.15 hrs

Inputs

Caroline Dommen

Lawyer, UN Economic Commission for Africa, Geneva

Professor Cephias Lumina

Research Professor of Law

Nelson Mandela School of Law, University of Fort Hare, East London

Dirk Pulkowski

Senior Legal Counsel

Permanent Court of Arbitration, The Hague

10.00 hrs

Plenary debate

10.45 hrs

Coffee break and light refreshments

SESSION IV

LEGAL OBLIGATIONS: A MAGIC PILL FOR HUMAN RIGHTS ENFORCEMENT?

Key questions:

- What are the main chances and obstacles to advancing human rights implementation through legal obligations? Would a legally binding treaty on businesses and human rights leverage primacy of human rights?
- With reference to recent examples, what can we learn about the potential of and limits to extraterritorial obligations?
- Do they have the potential to leverage human rights internationally, or are they rather a threat to national sovereignty? What are key challenges for states and economic actors?

Chair

Michael Windfuhr

Deputy Director

German Institute for Human Rights, Berlin

11.15 hrs

Panel discussion

Dr Daniel Augenstein

Associate Professor, Department European and International Public Law

Tilburg University

Jan Klawitter

Principal, International Relations

Anglo American, London

Mark Wielga

Director

NomoGaia, Denver Co.

12.00 hrs

Plenary debate

12.45 hrs

Take-home messages of the workshop/Outlook

13.15 hrs

Closing words by the organisers