



Introduction

This document will briefly discuss the various rights that exist in the international legal system, and identify some rights in line with the concerns of the Social Justice Committee.

The first declarations of rights were individual rights, inspired by liberal philosophy. They could be found in the *Declaration of the Rights of Man and of Citizen* adopted during the period of the French Revolution in 1789. Starting from the 19th century and reaching its height in the 20th century, collective rights and the right-credits have taken its place in the legal system.

Generation of Rights

Karel Vašák proposes that human rights be classified between three generations. Although critics, including Paul-Gerard Pougoue, oppose this approach, for clarification purposes we will hold onto it. In a nutshell, first generation rights deal with civil and political rights, while the second category involves economic, social and cultural rights. The third generation of human rights relates to solidarity and is the less official one of them all.

First Generation Human Rights

The first generation corresponds to freedom (*liberté*) and entails civil and political rights that protect individuals from state power. These rights are primarily individualistic, however a few are collectively expressed, such as freedom of association, and the right to assembly. Civil and political rights include protection from proscribed discrimination, freedom of thought and conscience, freedom of speech, freedom of religion, the right to participate in civil society and politics.

Second Generation Human Rights

Second-generation rights, those relating to equality (*égalité*) encompass economic, social and cultural rights. They ensure the right to be employed, the right to equal working conditions, the right to social security, the right to education, the right to cultural participation and the right to unemployment benefits.

Third Generation Human Rights

Third-generation rights, also known as solidarity rights, are collective rights dealing with the principles of brotherhood (*fraternité*). Janusz Symonides suggests that “solidarity between countries and solidarity within every country in favor of the most disadvantaged” must be implemented as a legal principle in the new international order.¹

This is especially evident in the preamble of *UNESCO’s Declaration on the Responsibilities*

¹ Janusz Symonides 1998, chapter I

of the Present Generations Towards Future Generations, which professes a need for establishing new, equitable and global links of partnership and intragenerational solidarity for the perpetuation of humankind.² In addition, the *Universal Declaration on the Human Genome and Human Rights 1997* encourages states to respect the practices of solidarity towards individuals and population groups who are especially vulnerable or affected by disabilities of a genetic character or by disease.³

Generally speaking, third generation rights are loosely binding laws found in the Stockholm and Rio declarations. They cover environmental rights, rights to intergenerational equity and sustainability, the right to self-determination, the right to natural resources and collective rights.

Fourth Generation Human Rights

Although the existence of fourth generation rights is disputed, scholars have shifted some rights of the third generation into a fourth category. Those in favor of such a distinction claim that the rights of the first three generations apply to human beings, while fourth generation rights correspond to the well-being of mankind.

Definition of Social Justice

Historically, research on justice has focused primarily on equity. However, the modern trend has been to incorporate other conceptions of justice.⁴ Broadly speaking, justice is “something higher than a society's legal system. It is in those cases where an action seems to violate some universal rule of conduct that we are likely to call it ‘unjust’”⁵ and respond by saying “we need a law against that.” In a narrower sense, “justice is fairness. It is action that pays due regard to the proper interests, property, and safety of one's fellows.” Parties that concern themselves with fairness “strive to work out something comfortable and adopt procedures that resemble rules of a game. They work to ensure that people receive their “fair share” of benefits and burdens and adhere to a system of ‘fair play.’”⁶

Case Against Third World Debt

Self-Determination

Stemming from decolonization and the legal recognition of new states, self-determination has evolved to encompass the rights of populations and governments to freely determine their political status and freely pursue their economic, social and cultural development.⁷ The basic principles of this right can be traced to a series of resolutions passed by the General Assembly, including but not limited to the *Charter of Economic*

2 unesdoc.unesco.org/images/0011/001102/110220e.pdf#page=75

3 portal.unesco.org/en/ev.php-URL_ID=13177&URL_DO=DO_TOPIC&URL_SECTION=201.html

4 Folger, Robert; Sheppard, Blair H. & Buttram, Robert T. *Equity, Equality, and Need: Three Faces of Social Justice*. In Bunker, Barbara Benedict Bunker; Rubin, Jeffrey Z. & Associates (1995). *Conflict, Cooperation, and Justice: Essays Inspired by the Work of Morton Deutsch*. San Francisco: Jossey-Bass Publishers.

5 James. W. Vice, "Neutrality, Justice, and Fairness," (Loyola University Chicago), available at

www.ombuds.uci.edu/JOURNALS/1997/neutrality.html. In: Maise, Michelle. "Principles of Justice and Fairness." *Beyond Intractability*. Ed. Guy Burgess and Heidi Burgess. 1 Jun. 2005. Conflict Research Consortium, University of Colorado, Boulder, Colorado, USA.

6 Nicholas Rescher, *Distributive Justice*. (Washington, D.C.: University Press of America, Inc.,

1982), 5. In: Maise, Michelle. "Principles of Justice and Fairness." *Beyond Intractability*. Ed. Guy Burgess and Heidi Burgess.

1 Jun. 2005. Conflict Research Consortium, University of Colorado, Boulder, Colorado, USA.

7 International Covenant on Economic, Social and Cultural Rights Article 1

Rights and Duties of State and the Realization of Economic, Social and Cultural Rights. The resolutions assert that economic and financial agreements between the developed and the developing countries must be based on the right of the peoples to self-determination and that the provision of economic assistance, loans and increased foreign investment cannot conflict with the interests of the recipient state⁸.

In addition, the UN Secretary General, after reviewing treaties, declarations and world conferences on development and human rights, introduced principles to include that every state has the sovereign right to freely dispose of its natural resources for the well-being of its own people and that any external measures designed to influence the policy of any other country, in the form of technical assistance, economic or political pressure, will constitute a form of intervention and will be a flagrant violation of the principles of self-determination⁹.

Self-determinism necessitates that every state has the political and economic capacity and flexibility to equip their populations with basic public services, notwithstanding the debt problem¹⁰. The Commission on Human Rights resolution 2000/82 affirms that the basic rights of debtor countries to food, housing, clothing, employment, education, health services, and a healthy environment cannot be subordinated to the authorization of economic reforms and structural adjustment policies arising from debt.¹¹

Corporate Social Responsibility

Corporations have been introducing new jobs, capital and technologies to national and world economies. However, maximizing profit and increasing shareholder value lies at the crux of their ideology and overshadows any other consideration. It is not uncommon for corporations to cut corners. Several are responsible for human rights abuses by employing child laborers, discriminating against specific groups such as women and union members, cracking independent trade unions, failing to provide safe and healthy working conditions and restricting the distribution of intellectual and technological property. Additionally, some companies dispose of their waste illegitimately, harming the livelihoods of neighboring communities. In response, international law has found its way as a favorable venue to enforce human rights.¹²

State Accountability

Sources of international law indirectly affect corporations by holding the state party accountable for the violations. The *Elimination of All Forms of Racial Discrimination* requires that racial discrimination by any persons, group or organization must come to an end by each state party.¹³ Similarly, the *Elimination of All Forms of Discrimination against Women* asserts that each state party shall eliminate discrimination against women by any person, organization or enterprise.¹⁴ Both treaties require the state to act in response to

8 The Realization of Economic, Social and Cultural Rights

9 Report of the open-ended working group on structural adjustment programmes and economic, social and cultural rights on its first session Articles 46, 52, and 54

10 Jochnick, Chris & Preston, Fraser A. (2006). *Sovereign Debt at the Crossroads: Challenges and Proposals for Resolving the Third World Debt Crisis*. Oxford: Oxford University Press.

11 Commission on Human Rights resolution 2000/82

12 Weissbrodt, David, *International Standard-Setting on the Human Rights Responsibilities of Businesses*; *Berkley Journal of International Law*; 2008, Vol. 26 Issue 2, p.373-391.

13 *The Elimination of All Forms of Racial Discrimination*

14 www.un.org/womenwatch/daw/cedaw/text/econvention.htm#intro

corporate misconduct. Other sources, such as the *Universal Declaration on Human Rights* apply not only to member states, but also directly to every individual and every organ.¹⁵ In this context, corporations are considered organs.

Organizations

Organizations have also addressed the issue of corporate social responsibility. The Organization for Economic Cooperation and Development emphasizes in its guidelines that the governments are primarily responsible to promote and uphold human rights and that Multinational Enterprises are encouraged to respect human rights, in a manner consistent with the host country.¹⁶ Furthermore, the International Labor Organization Convention Concerning Indigenous and Tribal Peoples in Independent Countries assures that governments shall take measures to protect and preserve the environment of the territories in co-operation with the peoples concerned,¹⁷ free from corporate erosion.

15 www.un.org/en/documents/udhr/

16 OECD Guidelines for Multinational Enterprises www.oecd.org/dataoecd/56/36/1922428.pdf

17 The Labour Principles of the United Nations Global Compact A Guide for Business International Labour Organization 2008