

# VOICE OF THE RURAL WORLD

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**Chief editor:**

George Dixon  
FERNANDEZ

**Secretariat:**

FIMARC aisbl  
rue Jaumain 15  
5330 ASSESSE  
BELGIQUE  
Tél/Fax: +32-83-656236  
www.fimarc.org  
fimarc@skynet.be

**Account number:**

ING 310-0756026-94  
IBAN  
BE87 3100 7560 2694  
BIC/SWIFT  
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It highlights the rural world's life and activities of  
the member movements belonging or not to the Federation

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Dear Readers,

Greetings from International Secretariat!

This edition of VMR is about an important topic on Corporate Social Responsibility (CSR) and The UN Guiding Principles on Business and Human Rights. We would like to bring you the key elements of this topic and its great impact on the life of rural people. Actually there are three aspects related to this topic 1) CSR 2) The UN Guiding Principles on Business and Human Rights 3) Ongoing process of An international legally binding instrument to regulate, in international human rights law, the activities of transnational corporations (TNCs).

Corporate social responsibility (CSR) refers to companies taking responsibility for their impact on society. CSR is a concept with many definitions and practices. The way it is understood and implemented differs greatly for each company and country. Moreover, CSR is a very broad concept that addresses many and various topics such as human rights, corporate governance, health and safety, environmental effects, working conditions and contribution to economic development. Whatever the definition is, the purpose of CSR is to drive change towards sustainability. CSR aimed at encouraging companies to be more aware of the impact of their business on the rest of society, including their own stakeholders and the environment and it should promote a vision of business accountability to a wide range of stakeholders, besides shareholders and investors. Key areas of concern are to be environmental protection and the wellbeing of employees, the community and civil society in general, both now and in the future.

The **UN Guiding Principles on Business and Human Rights** are the first global set of guidelines for states and companies to prevent and address the risk of adverse impacts on human rights related to business activity. They cover three



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areas: the state duty to protect human rights, the corporate responsibility to respect human rights, and access to remedy for victims of business-related abuses. The Guiding Principles are a voluntary policy framework that nonetheless reflects existing international legal obligations.

Corporate Social Responsibility (CSR) and Business and Human Rights (BHR) are like two close cousins—they are intertwined concepts focused on companies engaging in responsible and socially beneficial activities—but both concepts have key differences and hence distinct identities based on their origins. They are in essence two different but overlapping discourses: CSR growing out of scholarship from the business academy and BHR emerging from the work of legal academics and human rights advocates focused on formalistic notions of rights and remedies.

While CSR emphasizes responsible behavior, BHR focuses on a more delineated commitment in the area of human rights. BHR is, in part, a response to CSR and its perceived failure. BHR, by contrast, grows out of a quest for corporate accountability to mitigate or prevent the adverse impacts of business activity on individuals and communities and out of expectations grounded in a specific core set of human rights obligations. BHR also focuses not only on the role of the private sector but also on the role of states in overseeing company respect for human rights

In June 2014, the Human Rights Council (HRC) adopted the Resolution 26/9 that established an open-ended intergovernmental working group (IGWG) whose mandate is to elaborate an international legally binding instrument to regulate, in international human rights law, the activities of transnational corporations (TNCs) and other business enterprises and their impact. According to Res. 26/9, “the first two sessions of the open-ended IGWG shall be dedicated to conduct constructive deliberations on the content, scope, nature, and form of the future international instrument”. With the advent of a new discussion for a binding treaty, the BHR discourse has shifted once again to a focus on the legal and political rather than on an underlying assessment of the role companies might play in a larger protection and fulfillment of human rights. But this edition of VMR do not put emphasis on this initiative at this moment as it is an ongoing process and not yet concluded.

Enjoy your reading

George Dixon Fernandez  
Secretary General



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# CORPORATE SOCIAL RESPONSIBILITY (CSR)



*In all the continents human rights violations are committed by or with the complicity of companies. There are many examples. They reveal both the magnitude of the human right violations and the awareness of the impact tenfold of their activities on society.*

*Companies benefit indeed a permissive context in the international sphere. Although the majority of global economic entities are companies and not States, companies are not traditionally considered as subjects of international law.*

*They are not direct recipients of international treaties and there is not, to date, an international convention for the protection of human rights directly binding in their regard.*

And yet, the Universal Declaration of human rights of 1948 already set out: “all individuals and all organs of society” - so also the companies - have the duty to respect human rights. With this in mind, a working group of the Sub-Commission of the United Nations on the promotion and protection of human rights has developed in the early 2000s, the standards that it wished to make it legally binding.



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This project however was rejected in 2004 by the former Commission on human rights under the pressure of economic lobbies and Governments of the major industrialized countries. But, the Human Rights Council has however continued this work, under the leadership of Professor John Ruggie and guiding principles have been adopted in 2011 by the Council with unanimity .

## **A BIT OF HISTORY**

### **The Global Pact**

In 1999, at the Forum in Davos, at the initiative of the Secretary General of the United Nations, the idea of giving a human face to globalization by offering businesses to join voluntarily and to engage in the implementation of some of the principles is launched. The Global Pact is one of the first universal expressions that speak directly to companies. It is a partnership between the United Nations and enterprises, outgoing from the classic framework of international law where the subjects are traditionally the States.

The operational phase of the Pact was launched in July 2000, gathering companies and organizations of the United Nations, the labor world and the civil society around nine principles relating to the human rights and workers, to freedom of Association and respect for the environment. Since 2004 the Pact contains a tenth principle related to the fight against corruption.

A significant number of companies joined the Pact. If 47 companies have rallied the initiative initially, in ten years this number has undergone an exponential increase over the years (more than 6,000 companies), this not counting more than 2,000 participants from the civil society (NGOS, labor's world and academia).

### **The guiding principles of the OECD for multinational companies**

Established in 1976, the guiding principles of the OECD for multinational companies were adopted by the OECD countries. They are all official detailed standards for enterprises



located in the signatory countries. States are required, for their application to set up a national contact point (NCP) as an instance of complaint. Its organization and its powers vary between countries. The participation of the enterprises in the mediation process is voluntary. Procedures often lack transparency and no penalty in case of non-compliance or non-cooperation of companies is planned. The guidelines were revised in 2011 and supplemented by a chapter on human rights.



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## **Standards of the United Nations for enterprises**

In 2003, the Sub-Commission of the United Nations for the promotion and protection of human rights adopted standards on responsibility in terms of human rights in transnational corporations and other enterprises. These standards would have constituted an important step towards a binding regulation for enterprises on human rights, working conditions and environmental. But after strong pressure from the business community and the vehement opposition of some States - in particular, the United States - the Commission on human rights rejected the proposal.

## **Guiding principles of the United Nations**

In 2005 the American Professor John Ruggie has received the mandate to develop a framework for action to improve respect for human rights by the private sector. He stated the principle that it is first for the State to implement and protect human rights, also in case of violations by enterprises. At the same time, all companies - regardless of their size - have the responsibility not to violate human rights in their activities.

Ruggie has developed a framework based on three pillars: protect - meet - repair.

- The State has the obligation to protect human rights (The state duty to protect).
- Companies have the responsibility to respect human rights (The corporate responsibility to respect).
- Access to justice for the repair of the damage must be guaranteed (Access to remedies).

The guiding principles set out by John Ruggie materialize this concept. They were adopted in June 2011 by the Human Rights Council in its resolution 29/6 “aimed at creating an international instrument that is legally binding on TNCs and other companies and human rights”. The combination of the three pillars must lead the companies to ensure the respect and enforcement of human rights in their activities everywhere in the world. It is recommended to Governments that they give priority to the issue of the economy and human rights. Their task now is to implement this concept. One of the challenges is to fill the gaps in their legislation, in order to allow the victims of the human rights violations to obtain justice and reparation.

Moreover, we must also know that there is an intergovernmental working group of experts who are working on these issues. Its last session was held in October



2016 and it was question of the relationship between these guiding principles and their evolution towards a tool binding on companies. Work is still in prospect for this group...

### **What is the legal status of the guidelines?**

The guiding principles are not an international instrument that States ratify and they create no new legal obligations. On the other hand, they explain and clarify the implications of the standards of the human rights in force, some of which are legally binding for the States, and provide guidance on how to implement them. The guidelines refer to the existing obligations of States under the terms of international law. Often, there is national legislation (which may possibly be required) to ensure that these obligations are effectively respected and applied. It also means that some elements of these guidelines can be included in national legislation regulating the activities of companies.

### **If the guidelines are not a legal instrument, are they optional?**

All States are supposed to provide protection against abuses by companies; in most cases, they are legally obliged as they ratified binding international treaties on human rights. The duty of protection that the guidelines require States arises from these obligations. The responsibility to respect human rights is a minimum requirement of all businesses. In many countries it is - partially or fully - enrolled in the legislation or national regulations on businesses, which are bound by national legislation. The responsibility to respect human rights can also be part of contractual obligations linking business with companies or individuals who are their customers or suppliers. Compliance with these requirements can in most cases be imposed through judicial channels. The guidelines stipulate that companies should always consider the risk of committing violations to human rights or to contribute to the same in terms of legality. It is true also that in terms of human rights the diligence and the repair of the damage are not always legally required, they are nonetheless necessary if a company







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wants to know the human rights and show that it respects. The shortcomings in this regard can lead companies to appear before the “Court of opinion” - formed by their employees, communities, consumers, civil society or by investors. On both legal and financial, as well as reputation, companies may have to suffer the consequences if they do not respect human rights as they are presented in the guidelines.

### **Some progress**

Some progress has been made as for example the adoption of a directive of the EU on the publication of financial information that requires the listed companies with more than 500 employees to inform their policy and due diligence procedures on human rights and environment, as well as on the results of their efforts.

The English law of societies (UK Companies Act) requires governing bodies of companies to take into account the environment and the communities in the performance of their duties (art. 172). Since September 2013, companies have to publish a report explicitly mentioning human rights.

France is about to introduce a complete duty of care for large companies. This includes human rights and the environment. End of March 2015, the National Assembly adopted on first reading a Bill accordingly supported by the Government and a majority of members.

A dynamic therefore seems to be launched with the increasing numbers of countries who take voluntary and binding measures as recommended by the United Nations.

### **Limits of these guiding principles**

The construction is innovative, rather than imposing it appeals to the responsibility of businesses, in their good will.

But, if the commitment of the companies is completely voluntary, how to control its implementation? How to be sure there will not be an imbalance between the constraints and the benefits for companies? How to ensure that businesses will simply not take advantage of the use of the UN logo while still do not respect human rights?

### **The position of the FIMARC**

We welcome these advances which have the objective for the defense of human rights and especially the right of women who are the biggest victims of non-protection in enterprises. Recently, in France, the country of the human rights, a



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young woman lost her baby because the manager refused her to leave her job, as cashier in a large surface.

Whether it is codes of protection or guiding principles, it seems that they should be binding and above all they must integrate existing measures such as:

- The fundamental ILO conventions on freedom of Association, on the right of organization and collective bargaining, the abolition of forced labor, equality of remuneration, on discrimination (employment and occupation), on the minimum age, on the worst forms of child labor.
- The conventions relating to health and safety at work
- The conventions relating to the length of work
- The wages conventions

Furthermore, it is essential that these laws, codes, or these guidelines are translated into local language and communicated to workers.

Unfortunately, over the years, and despite the progress made in the texts, the current situation tends to deteriorate. The opening of borders and free competition has led to a lot of precariousness in the world of work. This situation continues to exert pressure downward on the conditions of work and to make more difficult the work of unions in defense of workers, sometimes willing to do anything to keep their job.

From the size of the enterprises, pretending sometimes to respect labor and environment standards, they enact themselves their own code of conduct. This is as we see more and more international private procedures in areas such as environment, health, security, affecting the public authorities national and international in their role of control over the application and control of these standards.

### **Question for movements**

- Are you aware in your country of violations of human rights by some national or transnational companies?
- Feel free to contact the Secretariat of the FIMARC, which will transmit your information.



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# resolution

## **FIMARC EXECUTIVE COMMITTEE – ASSESSE - BELGIUM APRIL 2016**

We the executive committee members of FIMARC (International Federation of Adult Catholic Rural Movements) from Asia, Africa, Latin America and Europe representing rural movements and communities gathered in Assesse, Belgium from 9-15th of April 2016 for the FIMARC FORMATION SESSION ON “AGROECOLOGY”, to deepen our common understanding about Agro ecology , and to share our own experiences from different continents .

The corporate model of Agriculture mostly produces food that poisons us, destroys soil fertility, and is responsible for the deforestation of rural areas, the contamination of water and the acidification of oceans and destruction of fisheries sector and creates pest- and disease-ravaged mono cultural plantations and increasingly negative consequences of greenhouse gas emissions, and the health crisis of malnutrition, obesity, diabetes, and cancer etc. This type of production system commodified the essential natural resources, and rising production costs are driving us from our own land.

Our traditional seed varieties are either destroyed or patented and millions of farmers are forced to depend on hybrid varieties which are costly, contaminated with agro chemicals and not adapted to the consumption habits of the local communities .It is a fact that 90 % of the world’s 1.5 billion hectors of land is dominated by the industrial mono culture promoting only on 12 types of grains and 23 species of vegetables. These mono cultures are extremely vulnerable to pests, diseases and climate change. Increasing corporation agribusiness involvement has diverted the goal from that of providing food for people as a basic human right to that of producing commodities for profit.

FIMARC consider Agroecology as a way life and a set of practices, more than a science. It is a tool and approach to attain food sovereignty and family farming system is key to develop agro ecological practices. Agro ecology represents a real



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alternative to existing production systems which is destructive of natural balances and peasant life. It integrates the dimension of water management, reforestation, combating erosion, biodiversity, climate change, the economic social systems and the relationship of humans with their environment.

As a science, agroecology consists of the ‘application of ecological science which respects and protects soil, water, biodiversity, living organisms and help to design and manage the sustainable agroecosystems’. It implies the diversification of farms for the regeneration of soil fertility, and maintains productivity and crop protection. The core principles of agroecology include recycling nutrients and energy on the farm, rather than introducing external inputs; enhancing soil organic matter and soil biological activity; diversifying plant species and genetic resources; It will integrate crops and livestock and optimizing interactions and productivity of the total farming system, rather than the yields of individual species. It advocate a holistic approach and recognition of knowledge and farmers know-how,

We affirm that through agro ecological practices such as polycultures, diversification and rotation of crops ,agroforestry, use of native seeds and local breeds of livestock, encouraging natural enemies of pests, and using composts and green manure can enhance biodiversity, fertility and water retention capacity of the soil and enable Sustainability and resilience of the farming systems.

Agroecology can lead to the progressive realization of Food Sovereignty through family farming systems and provide Safe and diverse food for all. The key idea of agro ecology is to go beyond alternative farming practices and to develop agro ecosystems without the dependence on agrochemical and energy inputs. Agroecology cannot be implemented the same way in all territories. It can be practiced in many different ways, based on the local reality and culture. The use of agrottoxins, artificial hormones, GMOs or other dangerous new technologies is totally against the basic principles of Agroecology. Diverse forms of smallholder food production based on Agroecology generate local knowledge, promote social justice, nurture culture, and strengthen the economic viability of rural areas

FIMARC want to strengthen the linkages between food sovereignty, agroecology and family faming. Family farmers are the first and foremost actors for promoting agro ecology. FIMARC have been defending and promoting Food Sovereignty in all our engagements and most of our rural communities are practicing AGROECOLOGY in different names but it has been there since from the origin



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of traditional farming systems and it is the way forward. Only food self-sufficiency, food sovereignty of peoples can resolve the issue of hunger in the world.

As the present education system favors the interest of the transnational corporations and dictates the food habits of the populations aiming to make more and more profit. FIMARC wanted to revive and promote the traditional knowledge sharing practices and food baskets through local analysis

FIMARC believe that Agroecology is an alternative way to be developed and a solution to feed the world of today and in the future without destroying nature. For FIMARC, agroecology, is without doubt a model to counter the neo liberal capitalist system booming around the world. FIMARC want to promote Pope Francis' Encyclical on the environment « Laudato Si' » is quite relevant as it call for an 'ecological conversion', by a new dialogue about how we are shaping the future of our planet and also urge for the implementation of IAASTD ( International Assessment of Agricultural Knowledge, Science and Technology for Development ) report which reflects a growing consensus among scientists and many governments that the old paradigm of industrial energy-intensive and toxic agriculture is an outdated concept, while small-scale farmers and agro-ecological methods provide the way forward.

### **Policy Areas to be addressed for the realisation of Agroecology**

- Reorienting markets, by increasing control of small-scale food producers over markets and to build local economies.
- Public procurement of agro ecological products and its distribution.
- Regulating agribusinesses, corporations and commercial fishing
- Local, national and regional policies to support agro ecology etc.
- Implement government financed community/ farmer lead research on Agroecology.

*The Executive Committee of the FIMARC.*

*Assesse, April 14th, 2016*



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## FIMARC NEWS

### **FIMARC PARTICIPATION IN AGRO ECOLOGY CONFERENCES OF FAO -BANGKOK, THAILAND AND DAKAR, SENEGAL**

#### **REGIONAL MEETING ON AGRO ECOLOGY IN ASIA**

These regional events derives from the context of a global and regional growing interest in the issue of Agro ecology expressed by governments, civil society and academia. Following FAO's Symposium on Agro ecology for Food Security and Nutrition in September 2014 in Rome, and as Agro ecology has to be based on local and regional realities as well as environmental, economic and social conditions, FAO decided to hold three regional events in Africa, Asia and Latin America and the Caribbean.

The FAO Regional Office for Asia and the Pacific organized a Multi-Stakeholders Consultation on Agro ecology for Asia and the Pacific. George Fernandez, the Secretary General of FIMARC had been the Steering Committee member of FAO for the Agro ecology Forum of

Asia organised by FAO in Thailand. Rony Joseph and George participated in the Asian Agro ecology forum held in Bangkok, Thailand from 24-26 November 2015 and made two presentations in this conference.

#### **REGIONAL MEETING ON AGRO ECOLOGY IN SUB-SAHARAN AFRICA- DAKAR, SENEGAL**

A regional meeting for Africa on agro ecology took place on 5 and 6 November 2015 in Dakar, Senegal. It aims at promoting dialogue on science and implementation experience of agro ecology. Medard Meyanga, FIMARC African Coordinator participated in this Africa Agro ecology Forum. The meeting was organized by the FAO Regional Office for Africa, the FAO Office in Senegal and FAO Headquarters in Rome, as well as the Government of Senegal (Ministry of Agriculture). It was backed by an Advisory Committee for the scientific aspects and a National Commission on Agro ecology set up by the Government of Senegal.

The objective of the forum was to create a platform for an informed

debate with net neutrality to push the issue further in the region with participation of government officials, UN agencies, CSOs, INGOs, NGOs, academics and research and development institutes, university, private sector, farmer's organizations, and individuals. The regional meeting highlighted existing best practices in the region, as well as challenges and strategies to overcome them.

### **FIMARC ENGAGEMENT IN IPC FOR FOOD SOVEREIGNTY**

FIMARC participated in the IPC General meeting which was held in Gujarat, India. Rony Joseph, the Asian Coordinator from India and Modesta Arealos, Latin American Coordinator from Paraguay participated in this meeting as representatives of FIMARC. Mr. George Dixon Fernandez, the secretary General of FIMARC has been selected as the global support group member of IPC and Mr. Rony Joseph, the Asian Coordinator of FIMARC as the IPC facilitator for Asia. FIMARC involve regularly in the major work streams of IPC in relation to our food sovereignty agenda at global and regional levels

### **UN PROCESS ON RIGHTS OF PEASANTS AND OTHER RURAL WORKERS:**



FIMARC already involved in this process in Geneva for the last two years. FIMARC participated in different lobby meetings in Geneva through our working group on human rights as part of our collective work along with CETIM and Via Campesina to mobilise support for this process from various actors. On the occasion of the 30th session of the Human Rights Council, CETIM, FIAN International and La Vía Campesina in collaboration with FIMARC organised a side event on: Rights of Peasants and Other Rural Workers: The Value Added of a UN Declaration, at Palais des Nations, Geneva. FIMARC Human Rights Working group members Mr. Gabriel Falchun and Ms. Elisabeth Pariat made contribution to this side event.

# CORPORATE SOCIAL RESPONSIBILITY



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International Federation of Rural Adult Catholic Movements

### **Chief Editor**

George Dixon FERNANDEZ, rue Jaumain 15 - 5330 ASSESSE (BELGIQUE)

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