

## Conclusions of the dialogue "Human rights, emerging needs and new commitments"

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Why now emerging human rights? Or: is it necessary to have satisfied the classic human rights before approaching the formulation of the emerging rights? In the same way that the 19th century approached the economic and social rights, long before the political rights of the 18th century were totally obtained, the 21st century and the globalization that accompanies it, raise new challenges that need a new approaching, with total independence of the necessity to continue on fighting for the full achievement of the "classic" rights, that, on the other hand, need to be updated, reformulated, to bring up to date.

The Dialogue has risen a re-reading of the Universal Declaration of Human Rights from the total respect to its assumption/postulates and their normative content. The values, as far as aspirations, are the same. But the dangers are new and therefore the content of the values must evolve.

The starting point is the Right to the Life. In spite of recognizing indivisibility of the human rights, we agree that the right to the life is the first right. But also we have said that human rights cannot be reduced to this right. That it is not sufficient: it is necessary to demand the quality of life. And this implies all the human rights: classic and emergent ones.

I. Life requires material conditions of existence. It is a requirement of freedom. And to obtain these conditions we demanded the right to the basic income.

A basic income is essential to give meaning to real freedom; without equality there is no freedom.

The basic income can help to fortify the individual capacity to face the relations of oppression and operation, and can also help to increase people's capacity of election in their lives.

A basic rent would give a concrete meaning to the citizenship idea. Without the guaranteed material existence there is no citizenship for everybody. If the basic income were a right of citizenship for everybody, it could also be a way to improve social solidarity. The real freedom is consubstantial with the citizenship, and this can only be totally obtained if the material existence is guaranteed.

II Rights of women are the centre of the parity democracy, but the problematic of gender has to be integrated itself cross-sectionally / transversely. It must include all the subjects. That is why a change of mentality is necessary, and also a new elaboration of concepts and indicators that consider the particular situation of women, as one of the main challenges that confronts the international society today. For example: migration. The migration has dimensions of gender because its impact is different for women and men; as different are the reasons that motivate men and women to migrate.

In addition, it is necessary:

- To fortify the organizations and movements of women that, in many countries and in the middle of conflicts, violence and poverty, device new proposals and relations of solidarity and pacific resistance;
- To fortify the protection mechanisms, its diffusion and its practical effectiveness; and
- To fight against networks of organized crime that victimizes women.

III We lived in a multi-cultural world, with multi-ethnic societies in which there is a high degree of violence around the identities. The pluriculturalism is considered at three levels (planetary, national and local) of simultaneous form, but with different problems.

To fight against political genocides, exterminations, segregations and assimilating policies, we defend a pluralism policy. A policy that improves respect to diversity and to people who have been traditionally excluded from the political power.

In particular, it is necessary to recognize the rights of the indigenous peoples that usually suffer, within their State, a position of inferiority and subordination. It is necessary to finish and to adopt the Universal Declaration of the Rights of the Indigenous Peoples, whose work is now interrupted in the United Nations.

Also minorities must be able to enjoy, as individuals and as a group, the right to education, the right to have their own language and use it in public life, and the right to participation. Real participation, that allows dialogue and a really plural democracy.

IV The diagnosis of the city is devastating: poverty and inequality; segregation and exclusion; unsustainability and destruction of the environment. It is a reflection of the impact of the worldwide hegemonic globalization in the city and its inhabitants.

This generates a phenomenon of urban and social apartheid, of radical urban secession, that has its reflection, among others, in the privatization and destruction of public space. The public space becomes a "no-man's land", a dangerous one. Some districts become walled microcosm, which exclude the one that comes from outside, rejecting the free circulation of people.

But globalization comes together with an increase of the responsibility for the cities, since the city (the united cities) can act like an against-power; like a catalytic of the fight against the globalization.

In this sense, the main function of the city must be to cushion, to alleviate, the social impact of the economical/hegemonic globalization. This can be made by means of a new strategic alliance between the local powers and the social movements.

How? Through a new social contract form of municipal look, that can have seven levels or categories:

- 1, contract of participative democracy (estimated participative and others)
- 2, contract of shared in common production (non capitalist marks of production)

- 3, intercultural, antireligious and non-sexist contract (value of the coexistence)
- 4, work contract as citizenship exercise (citizen wage in all public contracts of the city council)
- 5, environmental contract (regeneration of the environment)
- 6, soil contract (new regulation of the property of the urban soil)
- 7, educational contract (investment on the people and their education)

To these seven "internal seals" an eighth, with international character, could be added: the contract of postcolonial solidarity between cities from the North with cities from the South.

The city, then, can lead the change of articles of incorporation. Because urban innovation does not have limits.

V. The right to development, like all the human rights, is a product in permanent construction and reconstruction, based on the capacity of change of the social fights. In the present context, it is necessary:

- To reinforce the multidimensional, multicultural and decentralized character of development. Diversity is a nuclear value of the right to development;
- To reinforce legal guarantees of the right to development, affecting its fundamental actors: the multinationals and the Bretton Woods institutions. It is necessary to reinforce the right to a favourable international system that guarantees the right to development. In order to obtain it, International Society should return to consider the necessity of a New Economic Order; and
- To reinforce the centrality of the subsidiary principle and the exigency of the effective fulfilment of the democratic principles. These are the conditions for the right to development to be fulfilled as a human right.

The right to development is a right of minimums and a right to have future. And this is translated in concrete obligations: right to food, to water, and to work. And also the right to international debt relief.

VI. In order to obtain the previous rights, and all the human rights, it is necessary to recognize, as a human right, the right to have rights. This requires the reinforcing of the mechanisms of guarantee of human rights, and more generally, international law. Therefore, we requested:

- The compulsory jurisdiction of the International Penal Court and the International Court of Justice;
- The reform of the United Nations that includes the compulsory nature of the decisions of the mechanisms of protection of human rights;

- The universal effectiveness of the economic, social and cultural rights; and
- The necessity of an imperative international law, that prevails over the will of the States; and the establishment of having to ratify the agreements on protection of human rights.

Finally, it is necessary to make compatible the repaying justice (punishment of the guilty) and the restored justice (repair of the victims), even in post-conflict contexts; since, together with the peace and possibly the reconciliation, there should be justice for the victims and the abusers.

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Therefore we offer, as a result of the Dialogue, a draft "Charter of Emerging Human Rights", an emergent catalogue of values, principles and human rights, to be debated by international civil society. We have opened the draft Charter to all the participants in the Dialogue and we have encouraged them to make contributions, in order to make the final adoption possible in the next session of the World Social Forum that will take place in Porto Alegre in January 2005.