

# **Introduction to the *Charter of Rights Against Industrial Hazards:* For Communities, Workers, and Protection of Their Environment**

**T**HE WORLD HAS NOW ACQUIRED AMPLE EXPERIENCE OF INDUSTRIAL AND ENVIRONMENTAL hazards. Lessons must be learned from these experiences so that those who have died and suffered will not have done so entirely in vain. So judged the Third Tribunal on Industrial Hazards and Human Rights, after hearing evidence in Bhopal from the victims of the industrial disasters in October 1992. The *Charter of Rights Against Industrial Hazards* is based on a series of tribunals and aims to provide workers and communities with a common agenda.

The four tribunals on Industrial Hazards and Human Rights have listened to evidence from survivors, community groups, and workers around the world, as well as from professionals and experts, and, together, their evidence has shaped a new Charter that is intended to set standards for protecting people and their environment from hazards arising from all aspects of industrial production. The Charter has been shaped by the evidence presented to the tribunals and many others to whom it has been circulated for consultation, to address the failure of industry, government, and professional services to meet the needs of those affected by industrial hazards. Whether a hazard is dramatic and affects many, as in the case of Bhopal, or is the result of smaller-scale regular or irregular toxic emissions, common principles of justice need to be applied, common standards established, and common guidance provided on proper medical, legal, social, and economic action to take so as to prevent or redress the wrongs.

The resulting Charter presented below forms the basis of an international convention for presentation to the United Nations for formal recognition by governments. The Charter also calls on community groups, trade unions, public interest organizations, and individuals to assert these rights as a duty in order to improve standards and protect communities and workers, as well as their living and working environment.

Despite the diverse situations and experiences of survivors and other affected groups who presented evidence at the tribunals, a remarkable similarity characterized the problems they encountered and the absence of the support they needed to deal with problems arising from industrial hazards. Although approaches will change according to particular circumstances and problems, broad principles can be established and general needs identified. These charters must be taken up now

to ensure that communities, workers, and their environment are safeguarded from the harmful impacts of industrial processes.

The *Charter on Industrial Hazards and Human Rights* was drafted in the spirit of learning from the past so that a more humane future may be possible. It is a people's statement, not an official document. Unlike most human rights documents, its content was not determined by diplomatic compromise. Rather, its substance, and hence its authority, derives directly from the collective experience of those who have been forced to live with the consequences of industrial hazards.

The hearings on industrial hazards and human rights took place in New Haven (U.S., 1991), Bangkok (Thailand, 1991), Bhopal (India, 1992), and London (U.K., 1994). Nearly five years in the drafting, the Charter was based on evidence presented at the first three sites and was then discussed at a parallel session to the London hearings that was attended by witnesses and other community, victim, and worker groups. This draft was circulated widely around the world for further consultation and the final text reflects a great deal of consensus from these sources. The charters thus reflect the experience and work of many diverse groups and individuals concerned with industrial hazards, human rights, the plight of affected people, and the impact of hazards on the environment. These tribunals brought the impact of industrial production into the arena of human rights abuses. They heard evidence from victims' organizations, communities, workers, women's groups, and public interest groups. The London session also heard evidence from lawyers, medical experts, scientists, economists, academics, and occupational health and safety specialists who helped form the guidelines for the best practices.

At the New Haven tribunal, the Permanent People's Tribunal considered three draft charters — on the rights of workers, communities, and victims. The drafts were based on existing principles of human rights law, interpreted in the light of industrial hazards. At the final hearing in London, the three charters were consolidated into one document, which was then circulated to a large number of experts and nongovernmental organizations from all parts of the world. The final version was approved by the Permanent Peoples Tribunal in early 1996. Thus, although the Charter is drafted in legalistic language, its content directly reflects the views of those with immediate experience of industrial hazards in a wide variety of settings.

The tribunals have taken place under the umbrella of the Permanent People's Tribunal (PPT), which was formed as an independent forum to examine violations of the rights of peoples and to suggest remedies for such violations. The PPT provides a panel of judges that hears evidence directly from those affected by human rights abuses. The members include eminent jurists, writers, statespeople, artists, and scientists from all parts of the world.

Established in 1979 by the Lelio Basso International Foundation for the Rights and Liberation of Peoples, the PPT is the immediate successor to the Bertrand Russell Tribunals on Vietnam and Latin America. In the tradition of the Interna-

tional Military Tribunal at Nuremberg, the PPT is an international public opinion tribunal that identifies and publicizes the systematic violation of fundamental rights, particularly in cases where national and international law fail to protect peoples' rights. The PPT is based in Rome, but its 75 judges come from all over the globe and include eminent persons whose reputations must be above reproach in art, culture, science, and politics, including a number of Nobel Prize winners.

Individual hearings are initiated by aggrieved groups and are normally heard by a bench of three to 11 sitting tribunal judges. Accused parties are invited to present their case at the hearings, and if they do not attend, the PPT appoints legal counsel to represent their case in a rigorous manner. The PPT applies principles of international law and is bound by the *Algiers Declaration of the Rights of Peoples* as well as by its own statute of operations.

As part of its mandate, the PPT supports the development of new standards and legal norms. With the Charter, the PPT aims to contribute new principles of justice to the existing body of human rights law. The Charter was placed before the United Nations and other international bodies for official consideration. Yet it is also based on the principle that official action is not enough: it calls upon individuals, community groups, trade unions, and public interest organizations to assert its rights as part of a common duty to take action against industrial hazards.

Despite the diverse backgrounds and experiences of those who testified — from survivors of industrial hazards, concerned community groups, and workers, to doctors, lawyers, scientists, engineers, and other experts who provided information on the organization and effects of industrial hazards — they told a common story. Industrial hazards are proliferating on a global scale and pose a serious threat to human life and health. Moreover, the existing economic, legal, and medical systems are not responding adequately to this feature of globalization. Victims' groups voiced a common demand for a system that protects them from death, injury, and persistent insecurity. Expert testimony highlighted instances of the best practices, but also described the main features of an international order in which hazards are promoted, traded, and protected without effective controls.

The *Charter on Industrial Hazards and Human Rights* does not bestow rights from above as a gift from the state. It is a set of demands from below, to be seized by individuals and groups acting in the context of particular struggles. The way in which it is interpreted and used will necessarily vary from one situation to the next, but it nevertheless articulates a universal vision of a world in which people are able to lead their lives without industrial hazards.

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