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**SUSTAINABLE DEVELOPMENT FROM
A HUMAN RIGHTS PERSPECTIVE
AND THE CHALLENGES IT REPRESENTS
FOR THE CARIBBEAN SIDS**

(A Discussion Paper)

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Executive summary

This report is commissioned by the Economic Commission for Latin America and the Caribbean (ECLAC) Subregional Headquarters for the Caribbean, with the overall purpose of examining the extent to which the pursuit of sustainable development in the Caribbean Small Island Developing States (SIDS) is guided by human rights considerations and, more specifically, to what extent human rights principles, norms, and standards are being integrated and mainstreamed in development programmes and projects, following a rights-based approach to development. For ECLAC itself, this is a relatively new approach, not much reflected yet in its economic and social policy work.

Two preliminary caveats have to be placed up-front: (a) The report in its present form is primarily an ECLAC internal document, meant for discussion among staff and possible sharing with members of the UNCTs in the subregion. It is designed to enhance knowledge and understanding of the human rights problematic as it relates to the development work of United Nations agencies in the Caribbean; (b) For the purpose of the report, the term “Caribbean SIDS” does not cover all the ECLAC members of the Caribbean and is limited to the independent member States of the Caribbean Community (CARICOM).

To start up, certain concepts had to be clarified and further defined, such as the concept of human rights itself, the concept of sustainable development, the link between human rights and development as it evolved over the years, and the relationship between globalization and the protection of human rights. In this context, it is important to note that the international development community and the international human rights community, during the decades of the “cold war,” operated largely in separate compartments without much interconnection between the two, and this contrary to the spirit and the letter of the United Nations Charter. Even within the human rights system, a dichotomy was noticeable between civil and political rights and economic, social and cultural rights, with more emphasis being placed on the promotion and protection of the former, to the neglect of the latter. It is only at the beginning of the 1990s that the concept of sustainable human development emerged and an explicit link was made, in doctrine and practice, with an integrated set of universally recognised human rights.

The first part of the report gives an overview of the universal system of human rights and its main components. It makes a distinction between treaty-based human rights norms and other sources of human rights. Among the treaty-based instruments, it highlights the six major United Nations human rights treaties, i.e. the two covenants on civil and political and economic, social and cultural rights, respectively; the conventions against racial discrimination and against torture; the convention on the elimination of discrimination against women; and the convention on the rights of the child. Attention is paid to the special nature of economic, social, and cultural rights, which are, contrary to civil and political rights, not immediately implementable but are subject to progressive realization over time and within the limits of available resources. The report considers the international humanitarian law conventions as part of human rights law and, as such, complementary to the universal system of human rights, although limited in their application to the special situations of armed conflict.

The report includes in its analysis non treaty-based sources of human rights, i.e. major United Nations resolutions such as the Declaration on the Right to Development, the final Declaration of the World Conference on Human Rights, and the Millennium Declaration and the Millennium Development Goals. Without entering in great length into the doctrinal debate as to the precise legal value of United Nations resolutions, the gist of the report recognizes, like a majority of scholars and practitioners, that certain of these resolutions fulfil a normative function and reflect a strong, collective commitment on the part of the member States, especially since these texts are adopted by unanimity and at the highest political level. Thus, the relevant United Nations resolutions and declarations form a part of the universal, normative framework of human rights.

The second and main part of the report examines issues and processes relating to the implementation of human rights norms in the Caribbean. A quick inventory of the state of accessions to and ratifications of the major international human rights and humanitarian law instruments indicates a positive picture. A majority of CARICOM States have become contracting parties to almost all of these international human rights treaties. As such, they have assumed the obligation to implement, and it is in this respect that there is a noticeable deficit. Not only do international treaties need to be formally incorporated into the national legal order of CARICOM States, before they become applicable in the domestic sphere, what is more, certain treaty provisions need to be further defined and elaborated on, by pieces of enacting legislation, by well-targeted policy measures and appropriate administrative and financial arrangements.

This is certainly the case for the implementation of economic, social, and cultural rights where there often exists uncertainty as to the precise nature and content of these rights, where there is often a lack of necessary resources and where the implementation process itself requires a long-term perspective and must be seen as a gradual movement towards realizing these rights. The same is valid with regard to the implementation of the Millennium Development Goals. Defined in general terms, they must be further refined and tailored to the realities of the Caribbean countries in terms of the specific targets, and supported by a host of policy measures, laws and regulations in the process of gradual implementation over time. In all of this, CARICOM States seem to be lagging behind at various levels and to varying degrees.

The report touches briefly on two related issues with regard to the problem of implementation. One is the question of human rights reporting. In the face of the ever-growing and complex international human rights system, the small States of the Caribbean are experiencing difficulties in living up to their reporting obligations which they have assumed under each instrument, including under the Millennium Development Goals. The sheer number of reports to be prepared and submitted to different international bodies as well as the frequency of reporting required exceeds the capacities of the Caribbean SIDS and leads invariably to delays; and when the reports are submitted, they are often incomplete and of poor quality. The other issue relates to the question of measuring progress in human rights implementation. Here again, the small States of the Caribbean suffer from a lack of capacities in terms of appropriate methodologies and updated and reliable databases.

The report then examines the concept of a human rights-based approach to development, a relatively recent effort to advance the development debate. It certainly constitutes the most explicit attempt to integrate human rights principles and norms into the pursuit of sustainable

human development. United Nations agencies and programmes have promoted this approach some years now and used it as the operational framework for their individual country programmes and projects, with the United Nations Children's Fund (UNICEF) being at the forefront. What was missing somehow was a United Nations system-wide integrated operational framework at country level, based on the rights-based approach. This is now being achieved with the introduction of a second generation of the United Nations Development Assistance Framework (UNDAF) as a tool for country programming, clearly anchored on a set of human rights principles and norms.

The UNCTs in the Caribbean are all engaged in the formulation of rights-based UNDAFs in partnership with their respective host countries including relevant government departments, non-governmental organizations (NGOs), civil society organizations, and other international development partners. Some are more advanced than others; three UNDAFs are completed and signed, i.e. Guyana, Jamaica and Suriname. A quick review of the UNDAF documents indicates that human rights considerations are present at all stages and that outcomes and outputs will be assessed by the degree to which they are contributing to improved human rights situations in the respective countries. The challenge, of course, lies in the implementation of the UNDAFs and that includes meeting the resource mobilization targets and having the necessary monitoring capacities.

The report ends by highlighting certain of the challenges Caribbean SIDS are facing in terms of human rights implementation both in terms of their UNDAFs as well as more generally, in terms implementing some other international human rights obligations. Generally, there seems to be a relatively low level of awareness of human rights in Caribbean societies and the importance of linking them to the development process. The challenge therefore is to raise the level of awareness not just with government authorities and selected NGOs, but also with a wider public, including universities, the media, and private sector organizations. In addition, Caribbean governments, because of the smallness of their countries, experience challenges and difficulties in living up to their obligations relating to human rights implementation. These are, among others, competing priorities on their national legislative and policy agenda; the absence, at times, of the necessary political will to implement serious resource constraints, human, technical, and financial; the absence of properly staffed and equipped legal departments and statistical offices; and coping with a complex and compartmentalised international human rights reporting system which clearly exceeds the capacities of the small Caribbean States.

In conclusion, two general points should be made: (a) In terms of accession and commitment to the international human rights system, the Caribbean SIDS are quite up-to-date. The difficulty lies in the prompt and effective implementation of their obligations; and (b) The link between human rights and sustainable development has been mostly missing in national development strategies and plans, but is gradually emerging in the context of the Caribbean UNDAFs.

At the end of the report, a few recommendations and suggestions are formulated aiming essentially at strengthening capacities of UNCTs and their national counterparts in their pursuit of a rights-based approach to sustainable human development. A call is made for increased resources dedicated to technical cooperation and financial assistance in the area of human rights implementation and reporting. Finally, some suggestions, addressed to the international human

rights treaty-bodies are made in the spirit of rationalizing the reporting obligations of small States and alleviating the heavy reporting burden placed on them.

SUSTAINABLE DEVELOPMENT FROM A HUMAN RIGHTS PERSPECTIVE AND THE CHALLENGES IT REPRESENTS FOR THE CARIBBEAN SIDS

I. INTRODUCTION

“The right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realised”¹

A. Human rights and development in perspective

The relationship between development and human rights has a long history, both in concept and in practice. It is important to recall that the story goes way back to the end of the Second World War, the most atrocious and destructive conflict humanity had ever experienced. No wonder that the founding fathers of the United Nations had pledged a strong commitment to the promotion and protection of human rights. In fact, the architecture of the United Nations, by its very Charter, is built on three main pillars: peace and security, development, and human rights. Conceptually, these three pillars were linked, interrelated and interdependent, so much so, that there could be no peace and security without development, no development without human rights and no human rights without peace and security. This trilogy was and remains the conceptual underpinning and basic mandate of the United Nations.

In practice, the interrelationship between peace and security, development, and human rights has not always been evident over the years. In fact, during the long period of the cold war, these three basic pillars of the United Nations architecture grew and evolved quite separately from one another without much interaction among them. As a consequence, during that period there were somehow three separate systems and communities at work within the United Nations, i.e. the United Nations collective security system, the United Nations development system and the United Nations human rights system. It is recalled that up to the late 1980s, there was little or no connectivity and linkages as far as these three systems were concerned. They were operating within the strict confines of their mandate, having their own separate constituencies both at the level of United Nations member States as well as at the level of the United Nations Secretariat. Those were the years when the United Nations Security Council was not dealing with development issues or human rights considerations, when the United Nations Development Programme (UNDP) was focusing almost exclusively on economic development issues without integrating human rights into its programme analysis and planning, and when the then United Nations Centre for Human Rights spent most of its energy and resources on the promotion of the major United Nations human rights covenants, in priority over the United Nations Covenant on Civil and Political Rights, and this much in isolation from peace and security considerations and from the United Nations development community.

¹ *The Declaration on the Right to Development*, UN GA Res. 41/128, article 1/1, 4 December 1986

B. The evolving concepts

The situation has significantly evolved and changed over the last two decades. The first signpost of change came about with the adoption by the United Nations General Assembly of the Declaration on the Right to Development which explicitly affirmed the human right to development. This proclamation was strengthened by the 1993 Vienna World Conference on Human Rights as well as by the various world conferences and summits which took place under United Nations auspices during the 1990s, bringing basic human rights and freedoms to the fore,² and culminating with the Millennium Declaration and the Millennium Development Goals (MDGs), based on an integrated and interdependent set of human rights, identified as the underpinning of the process of economic and social development.³ In parallel, there was a redefinition of the process of development itself, a shift away from the purely “economistic” approach to development, towards development defined as human development, as a comprehensive, people centred economic, social, cultural and political process through which all the human rights and fundamental freedoms of all individuals and entire populations can be realised, civil and political rights, economic, social and cultural rights.⁴

Added to this came the concept of sustainability, first formulated by the World Commission on Environment and Development, the Brundtland Report, defining the concept of sustainability as “development that meets the needs of the present without compromising the ability of future generations to meet their own needs.”⁵ The “Earth Summit” in Rio (1992) further reaffirmed and defined the principle of sustainability in its final declaration and set a specific agenda (Agenda 21) for its implementation.⁶ For SIDS, sustainability has assumed increasing significance in light of their special vulnerabilities, geographic, ecological, economic, social, cultural and human. The United Nations and the international community has recognised the special situation of SIDS, specifically at the World Conference on Small Island Developing States (Barbados, 1994) and the Programme of Action emanating therefrom, aiming at strengthening and building capacities of these States in the pursuit of sustainable development. Ever since, SIDS have been given special attention in subsequent world conferences, most notably in the 2000 Millennium Declaration and the Millennium Development Goals (Goal 8, Target 14) and the Johannesburg World Summit on Sustainable Development (WSSD) as evidenced in the Summit’s final Declaration (article 24) and its Plan of Implementation.(chapter VII).⁷ Special mention must be made of the recently adopted Mauritius Strategy (A/Conf.207.CRP.7, January 2005) with focus specifically on implementing a wide range of measures addressing the particular vulnerabilities of SIDS in the context of sustainable

² For a brief analysis of the UN Summits of the 1990s, see *The World Conferences: Developing Priorities for the 21st Century*, UN Briefing Papers, DPI, United Nations 1997.

³ www.un.org/millennium and www.un.org/mdg

⁴ For the conceptual evolution of the human development paradigm, see Cornia G., Jolly R. Stewart F. *Adjustment with a Human Face*, vol. II and II, Oxford Clarendon Press, 1986. See also the annual Human Development Reports published by UNDP since 1990, in particular *The Human Development Report 2000* on the relationship between *Human Rights and Human Development*.

⁵ *Our Common Future*, World Commission on Environment and Development, Oxford 1987, p.43

⁶ For a summary of the outcomes of the UN Conference on Environment and Development, see UN Briefing Papers, op.cit. pp.21 – 27.

⁷ *WSSD Resolution 1, Political Declaration and Resolution 2, Plan of Implementation*, Doc. A/CONF.199/20, Johannesburg, 4 September 2002.

development. In perspective, it is noteworthy that the concept of sustainability has gradually been expanded over the years no longer covering purely environmental considerations in an intergenerational perspective. If development is to be sustainable, certain other basic requirements must be met, such as “clean water and sanitation, adequate shelter, energy, health care, food security and the protection of biodiversity”.⁸ In short, the human dimension in the quest for sustainable development has become the key vector and main ingredient.

Thus, sustainable human development today has become the prevailing development paradigm both in terms of process and outcome. It can only be achieved through the gradual integration and realisation of the basic human rights and fundamental human freedoms. In this sense, human rights and sustainable human development are interdependent and mutually reinforcing concepts. One cannot be achieved without the other. This is what is essentially meant by the rights-based approach to development, an approach increasingly advocated and practiced by the United Nations development agencies and programmes. Reference is also made to the 1997 reform programme of the United Nations Secretary General, a strong call to mainstream human rights across all areas of the organization’s work, including operational activities at country level.⁹ In response, the Office of the High Commissioner for Human Rights (OHCHR) is playing an increasingly important role in support of this mainstreaming effort, exemplified by entering into partnership arrangements (MoUs) with a number of development-oriented United Nations bodies which are integrating – or intend to develop human rights approaches in their economic and social policy work.

C. Purpose and scope of the report

For ECLAC, mainstreaming human rights into its economic and social policy work is a relatively novel perspective, at least in terms of an explicit link between its development policy work and the normative human rights framework. In fact, ECLAC very recently organized, together with the World Bank, the Inter-American Development Bank (IDB) and the Organisation of American States (OAS), a Workshop on “Explicit Guarantees in the Implementation of the Economic, Social and Cultural Rights in Latin America and the Caribbean”, Santiago, 2-4 April 2007. The focus of the workshop was on assessing the effectiveness of explicit guarantees in social policies as a means of realising rights in a selected number of Latin American countries.¹⁰ No similar effort has been made as far as the Caribbean SIDS are concerned.

The present report represents a first attempt by the ECLAC Subregional Headquarters for the Caribbean to assess the situation in the Caribbean with regard to sustainable development from a human rights perspective, in particular from the perspective of economic, social, and cultural rights. The report is meant, in the first instance, for the internal use of ECLAC and, possibly, to be shared with other members of the UNCTs and members of the Caribbean Development and Cooperation Committee (CDCC). Specifically, the report will first review the universal system of human rights and its status of application and implementation in the

⁸ Ibid. article 18

⁹ *Renewing the United Nations, A Programme for Reform*, Doc. A/51/950, United Nations, 4 July 1997

¹⁰ See Background Paper of the Workshop, *Realizing Rights through Social Policy*, Draft for discussion, prepared by the Social Development Department of the World Bank with inputs from OAS, IDB and ECLAC, March 2007.

Caribbean, in light of major challenges the countries of the subregion are facing. It will look at the extent to which human rights considerations are guiding the development process, from a CARICOM regional and national perspective. It will examine the concept of a rights-based approach to development and its advancement through the introduction of the UNDAFs, a new attempt to mainstream human rights into sustainable development plans and programmes.

Given time and resource limitations, it will not be possible to conduct a thorough and comprehensive study of the subject under consideration. It would require more time, more research and in-depth analysis and certainly a more comprehensive survey of, and data collection in, the SIDS countries of the Caribbean, in order to assess their national legislative framework and their overall development plans, policies and programmes as they relate to international human rights norms and standards. Essentially, the present report is a quick desk review, impressionistic in nature, including certain specific spot checks, and a review of current, relevant literature which is quite abundant.¹¹ The report should allow ECLAC to engage in further discussions and consultations and to strengthen, in the process, its own human rights and advocacy capacities. The report will conclude with certain recommendations and suggestions to serve, in the first instance, as a basis for further discussion. Finally, one introductory caveat has to be placed up-front: for the purpose of the report, the term Caribbean SIDS is meant to cover basically the independent member States of CARICOM; carrying research and analysis to the wider regional membership of ECLAC would be difficult for various reasons, including logistics and time constraints.

D. The context: Globalisation and human rights

As a reminder, it is useful to look at the context in which this report is being prepared. Globalisation is, and remains, a high priority item on the international agenda. For many, the process of globalisation is defined essentially in economic terms, i.e. liberalisation of trade, abolition of tariffs, subsidies and other restrictions, free flow of capital, investment and labour, and the increasing global interconnectivity through information and communications technologies. The Caribbean SIDS are all concerned with, and indeed are struggling, primarily within the World Trade Organization (WTO), to keep pace with the process of globalisation, some with more success than others. It is important to recognise that globalisation has its negative and often disruptive effects on the development prospects of developing countries, and in particular on the vulnerable SIDS. To paraphrase the former United Nations Secretary General, Kofi Annan, who once said that globalisation is like a hurricane, impossible to escape as it approaches, but absolutely necessary to mitigate its negative effects and to set up and strengthen protective measures at the global, regional and national level.¹²

In the context of globalisation, one tends to forget or ignore that there is the other side of the coin, namely the global system of human rights and humanitarian principles and norms complemented by a series of regional agreements and institutional arrangements. The universal system of human rights, established and further developed under United Nations auspices over

¹¹ Among recent writings, see in particular a collection of recent articles by prominent authors, in Schrijver N. and Weiss F. ed., *International Law and Sustainable Development: Principles and Practice*, Martinus Nijhoff Publishers, Leiden / Boston, 2004.

¹² Quoted from his speech to the 1997 World Economic Forum, Davos, Switzerland.

the years, is gaining renewed importance and relevance when it comes to protecting from and mitigating the negative effects of globalisation on individuals, communities and entire nations, especially the most vulnerable ones. In fact, globalisation has its impact on the concept of sustainable human development and, by extension, on the concept of human rights, in that it led to a renewed emphasis on, and to the expansion of, economic, social and cultural rights (access to an open and fair trading and financial system, debt relief, Official Development Assistance (ODA) increase) and to the inclusion of non-State actors as duty bearers and partners in the development process (see Goal 8). Thus, globalisation is met by an ever-expanding universal system of human rights, designed as a major tool in the effort by the international community to protect human dignity in all its manifestations and to promote sustainable human development in all its dimensions.¹³

II. THE NORMATIVE FRAMEWORK: TAKING STOCK

This chapter presents a short inventory of the major international human rights instruments, which have emerged over the years and which are of significance to the Caribbean SIDS. The inventory highlights in particular economic, social and cultural rights and makes a distinction between treaty-based instruments and others, i.e. resolutions and declarations adopted under the auspices of the United Nations.

A. The universal system of human rights: Treaty-based norms

1. The universal system in perspective

What then does the universal system of human rights consist of? It is an ever-growing web of treaties, conventions and covenants adopted by a large majority of States in the main multilateral forums, first among them of course the United Nations. At the base is the Universal Declaration of Human Rights as adopted by the United Nations General Assembly in 1948. This Declaration spells out a set of basic human rights and fundamental freedoms, universally recognised and universally applicable. These include the right to life, liberty and security; freedom from discrimination on the basis of race, colour, sex, religion, social class or political opinion; freedom of expression, freedom of speech, and freedom of association; the right to protection under the law, the right to due process. Importantly, the Declaration also introduces certain basic economic, social and cultural rights, including the right to an adequate standard of living and the right to health, the right to education, the right to work, the right of minorities to enjoy their own culture, language and religion, the rights of disadvantaged groups within society, women, and children in particular. It is the Universal Declaration of Human Rights which has become the cornerstone of a series of treaty-based covenants and conventions covering and specifying the wide range of human rights and human freedoms to be universally protected, promoted and fulfilled.

¹³ More on the topic of globalisation and sustainable development see French D. A., *The Role of the State and International Organisations in Reconciling Sustainable Development and Globalisation*, in Schrijver N. and Weiss F. op.cit. pp. 53 – 72.

Initially, the idea was to further elaborate and codify these human rights and freedoms in one single international instrument, in one covenant to become the international bill of rights, legally binding upon States parties to it. However, the idea of one single human rights treaty was abandoned in the years following the adoption of the Universal Declaration of Human Rights, in light of the deepening East-West divide and the rapid increase in United Nations membership. The liberal democracies of the West very much insisted on the priority of civil and political rights, while the socialist countries together with a majority of developing countries placed a clear preference on the economic, social and cultural side of the human rights debate. As a result, there emerged two separate covenants, one focusing on Civil and Political Rights (CCPR) and the other on Economic, Social and Cultural Rights (CESCR), both adopted in 1966 and entered into force since in 1976. While conceptually the two instruments form part of that same body of universal human rights law, indivisible and interdependent, in practice they have a separate normative frame, separate membership and separate reporting systems and different international supervisory bodies. However, together with the Universal Declaration of Human Rights these two covenants form the “International Bill of Rights”, the centre part of international human rights law.

Over the years, a number of additional, multilateral treaties and conventions have been added, mostly under United Nations auspices. They target the protection of the human rights of particularly vulnerable groups and aim at the elimination of discrimination and other harmful practices. They concern children, women, refugees, prisoners and detainees, minorities, migrants and workers. Outstanding among these conventions are: (a) the International Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); (b) the International Convention on the Rights of the Child (CRC); (c) the International Convention on the Elimination of All Forms of Racial Discrimination (CERD); and (d) the International Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).¹⁴ Mention should be made also of the important body of international labour laws and labour standards adopted by the International Labour Organisation (ILO). They form part of the universal system of human rights in that they prohibit discrimination in employment (convention 111), ban forced labour (conventions 29 and 105), restrict child labour (convention 138), and guarantee freedom of assembly and the right to collective bargaining, (conventions 87 and 98)¹⁵

The above instruments form the core of the normative framework within which the universal system of human rights is to operate. They have been elaborated and ratified by a large majority of member States of the United Nations and as such they are legally binding under international law and impose specific duties and obligations on those States who have become party to these multilateral instruments. They all spell out the basic, inalienable human rights of individuals, groups and communities (rights holders) whom States (duty bearers) have the obligation to protect and promote, be these rights, civil and political or economic, social and cultural in nature. In other words, States, in ratifying these conventions, have assumed the

¹⁴ For the texts of the 6 major UN Human Rights Instruments, see [www.bayefsky.com/text of treaties/...](http://www.bayefsky.com/text%20of%20treaties/...) Very recently, there are three other human rights related UN conventions in the making: 1) The Convention on the Rights of Persons with Disabilities, not yet in force; 2) The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, in force since 1 July 2003; 3) The International Convention for the Protection of All Persons from Enforced Disappearance, (not yet in force).

¹⁵ For the text of these various ILO Conventions, see www.ilo.org/labourstandards/databases/ILOLEX.

obligation to implement them in their respective national spheres through necessary laws, policies and programmes. States parties must assure and guarantee, through appropriate measures and institutional arrangements, that the human rights as enshrined in the various conventions, are applicable and enforceable within their respective national jurisdictions.

Brief mention at least must be made of three regional, treaty-based human rights systems, the European Convention, the Inter-American Human Rights System and the African Charter on Human Rights. While their scope of application is limited to a specific region, they nevertheless embody the norms and principles of the universal system of human rights, often further elaborate them and at times prioritize them. Thus, the European Convention places emphasis on the individual's civil and political rights and provides for a proper judicial system of enforcement, and so does, to a certain extent, the Inter-American Human Rights System. The African Charter is the only international convention which not only promulgates individual rights, but specifically formulates the concept of "Peoples Rights" as a basic, collective human right, including the right to self-determination.

2. Civil and political rights vs. economic, social and cultural rights

At this point, it is important to clarify the distinction which is often made, in doctrine as well as in practice, between civil and political rights, on the one hand, and economic, social and cultural rights on the other. While it is maintained that they are an interdependent and interrelated part of the universal body of human rights, the distinction is more so relating to their different scope of application and implementation. The Covenant on Civil and Political Rights finds almost immediate application in the legal order of States including the necessary constitutional guarantees, at little cost to the State. This is the case in the Caribbean SIDS where their respective constitutions grant the basic civil and political rights and where implementing legislation is being put in place, although at times with considerable delay. Thus, civil and political rights are enforceable and can be invoked, if violated, before the domestic courts.

In the case of the CESCRC and the other related conventions, application and implementation is more complex. Not only is it difficult to give specific meaning and content to this set of human rights for them to be immediately effective and applicable in the internal legal order, basic provisions such as the right to health, the right to food, the right to education, the right to a decent standard of living, the right to gender equality and others must be further defined and elaborated in the context of country specific development conditions. Their implementation cannot be anything else than gradual and progressive over time, within a certain order of priority and, importantly, commensurate with available resources. Progressive realisation of the economic, social and cultural rights is what makes them distinct from civil and political rights and which calls for a different approach in terms of their implementation. Some authors make the distinction between perfect and imperfect obligations in the context of implementing the two sets of norms respectively.¹⁶ This does not mean, however, that the economic, social and cultural dimensions of the development process cannot be rights-based and that States do not have an obligation and duty to advance the realisation of those rights through appropriate legislation, specific policies and programmes and corresponding budgetary

¹⁶ See Marks St. *The Human Rights Framework for Development: Five Approaches*, Working Paper No. 6, Center for Health and Human Rights, Harvard School of Public Health, 2000, pp. 13 – 14.

allocations. Admittedly, it is more difficult to bring claims of non-realisation of those rights at any given time before the authorities of the State with the exception of cases of gross violations and in order to protect the interest and well-being of the general public. Certain laws and court systems of Caribbean SIDS, notably Trinidad and Tobago, provide for what is called “public interest litigation” by virtue of which the cause of an individual or a group of individuals, who feel that their basic human rights have been violated, can be brought before a local court.

3. International Humanitarian Law as part of human rights law

The inventory of the normative treaty-based framework would not be complete without at least mentioning another body of universal principles and norms commonly known as International Humanitarian Law (IHL). The relationship between international human rights law and international humanitarian law is often not quite well understood. Both are set up to protect human life and human dignity and as such, they are both part of international human rights law. What is different is the sphere of application. IHL applies in certain specific situations, i.e. situations of armed conflict and war, to protect and assist the victims, in particular the wounded and sick, prisoners and detainees, the civilian population, women and children from abuse in violation of their basic human rights. Human rights law, on the other hand, is applicable in all situations. It is the *lex generalis* as compared with international humanitarian law which is considered the *lex specialis*. In that sense the two sets of norms and principles are complementary and mutually reinforcing. Today, IHL consists of an impressive network of multilateral conventions and treaties at the Centre of which are the four Geneva Conventions of 1949 and the two Additional Protocols of 1977. Literally, all members of the United Nations have become contracting parties to the Geneva Conventions, including the Caribbean SIDS.¹⁷

IHL also comprises a number of weapons-related conventions, weapons that have particular harmful effects and are banned by virtue of these conventions. Antipersonnel landmines, chemical and biological weapons are among the most prominent ones. Finally, a recent addition to the body of IHL is the establishment of the International Criminal Court (ICC) which, by virtue of its Statute, allows for the prosecution and punishment of perpetrators of gross violations of human rights, i.e. crimes against humanity, war crimes and the crime of genocide. It is noted here that Caribbean countries, notably Trinidad and Tobago, have been at the forefront in promoting the ICC and several of them have already ratified the Rome Statute establishing the Court.

B. United Nations resolutions as part of the normative framework

1. The debate in doctrine

There is of course a long-standing doctrinal debate as to the legal and normative value of United Nations resolutions. This report does not intend to enter into the debate. It aligns itself with the views held by a majority of international legal scholars and practitioners who recognise that resolutions adopted by the United Nations General Assembly are not international treaties and therefore do not have legally binding force *per se* on the member States. However, they have

¹⁷ See Texts of the various international humanitarian law treaties and the state of their implementation, www.icrc.org/ihl/database...

a legal function and normative effects to the extent that they often elaborate and interpret norms and principles which the United Nations Charter already contains and therefore are binding on member States. Also, certain United Nations resolutions may manifest recognition by member States of specific legal principles. By voting for their adoption in large majorities and at the highest possible level, such principles may contribute to the formation of international customary law or be evidence that it is already formed.¹⁸ It is important to note also that such United Nations resolutions often lead to the creation of machinery and follow-up mechanisms for the control and assessment of the state of application of these principles in the internal sphere of member States, another indication that they have normative effects.¹⁹

2. Practical implications

Thus, for all practical purposes of this report, major United Nations resolutions that aim at the universal protection and promotion of human rights are to be considered a complementary part of the normative framework for sustainable human development, and as such, are part of the universal system of human rights. This is certainly the case of the Universal Declaration of Human Rights (1948), the Declaration on the Right to Development (1986), the Vienna Declaration on Human Rights and Programme of Action (1993), the ILO Declaration on Fundamental Social Rights (1997), the Millennium Declaration and Millennium Development Goals (2000), as well as to a certain extent, the Rio Summit Declaration and Agenda 21 (1992), the Final Declaration of the Barbados World Conference on SIDS (1994), the Johannesburg Declaration on Sustainable Development and its Plan of Implementation (2002), and the Mauritius Strategy for the further implementation of the Programme of Action for the sustainable development of SIDS (2005). The latter four are focusing more on the environmental dimensions of sustainable development, the former are highlighting the broader dimensions of sustainable human development, economic, social, cultural, civil and political. But all these instruments make reference, in one way or the other to the basic human rights and fundamental freedoms.

All the above resolutions have been adopted in the form of solemn declarations, reflecting the fact that they have been adopted by large majorities verging on unanimity at the highest political level. While United Nations resolutions do not have direct legally binding effects and the General Assembly does not have legislative powers, these major declarations do nevertheless fulfil a legal function and have authoritative value. In addressing themselves to all the member States as well as to the concerned agencies of the United Nations system, they promulgate commonly agreed principles and standards in the pursuit of sustainable human development. They establish the ground rules for the conduct of national development policies, plans and programmes from a human rights perspective and they find indeed application and implementation, if only selectively, slowly and not always explicitly, in national legislations and policies. Finally and importantly, they constitute, if not a strict obligation, at least a strong commitment to implementation.

¹⁸ Among one of the early advocates arguing that certain UN resolutions have a normative effect and fulfil a legal function, see Virally M. *Decisions and Resolutions of International Institutions*, in Max Sorensen (ed.), *Manual of Public International Law*, MacMillan London, 1968, pp. 156 - 165

¹⁹ More on the normative effects of UN resolutions, see Forsythe D. P., *Human Rights in International Relations*, Cambridge University Press, p.12.

III. IMPLEMENTING HUMAN RIGHTS NORMS IN THE CARIBBEAN

This section examines the extent to which the Caribbean SIDS are covered by – and are participating in the normative human rights framework, both in treaty-based and in other standard setting United Nations instruments, i.e. resolutions and declarations. More specifically, it will look at the state of implementation, at progress achieved and challenges encountered. It cannot be a comprehensive survey covering all the countries in depth. Limitations in time and resources do not allow for more than a brief desk review and certain spot-checks based on information obtained in certain countries.

A. Treaty-based norms: An inventory in the Caribbean

As was mentioned before, the report does not cover all the ECLAC members in the Caribbean. It is essentially limited to the 14 SIDS which are the independent States, members of CARICOM. Thus, the Dominican Republic and Cuba are not included, mainly for logistic reasons, although Cuba in particular would deserve special attention in light of its advanced state of implementation of certain economic, social and cultural rights as well as the gradual realisation of some of the other major United Nations human rights instruments (elimination of all forms of racial discrimination, elimination of discrimination against women, protection of the child). Not included also are the non-independent members or associate members of ECLAC i.e. the Overseas Territories under the respective jurisdiction of the United Kingdom, France, the United States and The Netherlands. As such, they are part of the metropolitan powers and the universal framework of human rights applies to the extent that the latter have ratified the relevant instruments and enacted the necessary legislation.

In terms of the SIDS in CARICOM, 9 out of 14 States have acceded to and ratified the two basic covenants (civil and political; economic, social and cultural). Four CARICOM States have not acceded to these two covenants, i.e. Antigua and Barbuda, The Bahamas, St. Kitts and Nevis and Saint Lucia; while Haiti has only ratified the Covenant on Civil and Political Rights. At this point one can only guess the reasons why these States so far have not ratified the two basic human rights covenants. Admittedly, as was mentioned above, the CARICOM States have included in their respective constitutions relevant provisions and necessary guarantees relating to the basic human rights and fundamental freedoms with regard to the civil and political rights of their citizens. On the other hand, all CARICOM SIDS have acceded to and ratified three other major human rights conventions, on the elimination of discrimination against women, on the elimination of racial discrimination and on the rights of the child. Only three CARICOM States have ratified the Convention against Torture, the sixth component of the universal system of human rights, i.e. Belize, Guyana, St. Vincent and the Grenadines. Thus, it can be argued that, by and large, the SIDS in the CARICOM region have subscribed to – and are covered by the treaty-based framework of the universal system of human rights. A detailed table reflecting the status of accession/ratification of the main human rights conventions by the CARICOM SIDS is attached at Annex 1.

By comparison, a similar conclusion can be drawn with regard to the universal system of humanitarian norms and principles as they emerged over the years in various treaties and conventions adopted by vast majorities of United Nations member States. As was mentioned

above, these are legally binding instruments which aim at the protection of, and assistance to, the particularly vulnerable groups (civilians, women, children, detainees, the wounded and sick) in the event of armed conflict and war. As such, these instruments are part of basic international human rights law, although with a special scope of application. Their respect and implementation is a precondition for longer-term sustainable human development, as the situation in Haiti demonstrates. Interestingly, all 14 CARICOM States have acceded to the four Geneva Conventions of 1949 and the two additional Protocols of 1977, not so much because of imminent dangers of armed conflict in this subregion, but as a sign of solidarity with the wider international community. Also, a majority of CARICOM States have acceded to the main weapons-related conventions (chemical, biological, landmines) which not only outlaw the production and use of these types of weapons material, but they also prohibit the trading, transshipment and stockpiling of these materials and make it a punishable offence. Finally, the ICC has been ratified so far by seven CARICOM States. The remaining States are considering accession to the ICC with some hesitation in the face of continuing pressure from the current United States Administration not to accede to the Rome Statute or to sign bilateral exemption agreements under article 98 of the Statute. A detailed table reflecting the status of accession/ratification of the major international humanitarian law treaties by the SIDS in the CARICOM Region is attached at Annex 2.

B. Treaty-based implementation in the Caribbean

Overall, the acceptance of the universal, treaty-based system of human rights by the CARICOM SIDS is quite impressive both in terms of the number of instruments as well as in terms of the number of CARICOM States acceding to them. However, by becoming contracting parties to this multitude of international conventions, States have assumed a number of obligations, first and foremost the obligation to implement. Implementation at the national level is the key to effectively protect, promote and fulfil the human rights and freedoms as stipulated in the various instruments. Implementation is also the key for effective participation in the universal system of human rights. For the international human rights conventions to be implemented, several steps are required. There is first a formal requirement: international treaties and conventions, including the human rights instruments, need to be incorporated into municipal law by a formal legislative act or bill and promulgated accordingly in the Official Gazette before they can be applied in the municipal sphere and be invoked before a local court, except those provisions in the conventions which constitute customary law or general principles of human rights law. Formal incorporation of international conventions and treaties into municipal law is required in the Commonwealth Caribbean, which follows British tradition under the common law system. On the other hand, the continental legal system followed by the majority of western European States does not require an act of incorporation and foresees immediate application in the municipal sphere once the international convention is properly ratified and its text published. In this case, immediate application is granted at least to those provisions which are precise and specific enough to be implemented. This system applies in Suriname, which follows Dutch tradition and the continental legal system.

In any event, whether the universal system of human rights is immediately applicable or not in the municipal order of the SIDS in the CARICOM region is only the formal aspect of implementation. There are more substantive requirements deriving from the obligation to

implement. The implementation of the human rights conventions invariably require further measures at the national level, in particular those relating to economic, social and cultural rights. By their very nature, these are rights which are stipulated and defined mostly in general terms and they need to be further refined and adapted to the development context of the countries concerned. States which are contracting parties to the CDESCR as well as to the CEDAW and the CRC have given the undertaking to take the necessary steps, through legislation, administrative measures, appropriate policies, plans and programmes, towards the gradual implementation and progressive realisation of the human rights enshrined in these conventions. Also, contracting parties, in acceding to these human rights instruments, give the undertaking to take all necessary measures and steps to implement “within the maximum extent of available resources” and to seek “international assistance and cooperation, especially economic and technical”²⁰

Thus, the CARICOM SIDS have assumed the obligation to gradually implement and progressively realise the economic, social and cultural rights of their people through national legislation, policies and administrative and budgetary measures. It is beyond this report to conduct a detailed survey and assessment as to how the obligation to implement is actually being translated into the respective national spheres. A quick overview would indicate that, generally speaking, the SIDS in the CARICOM region are facing difficulties and challenges in the implementation of the economic, social and cultural rights of their citizens, at various levels and to varying degrees. It is noted that the implementing measures are often incomplete, adopted with lengthy delays, incoherent at times and without making a direct nexus with the relevant international human rights instruments. Also, without having reliable updated data over a period of time, it is difficult to measure real progress towards the progressive realisation of human rights in the economic, social and cultural field.

Looking at the state of implementation in Trinidad and Tobago as an example, this general picture is somehow confirmed. Through a set of different policy measures by the government, the right to free universal education (article 13 of the Covenant) is formally achieved to the extent that education is accessible free and for all at primary, secondary and increasingly at tertiary level. The statistics based on the enrolment rates however do not give any information on the quality of the education system or on the drop-out rate. The implementation of the right to health in Trinidad and Tobago (article 12 of the Covenant) encounters numerous obstacles, with the health sector overall in disarray and in the absence of a comprehensive and coherent health sector policy and programme. The government has recently announced a set of policies and measures with the aim of strengthening “patients’ rights” including the establishment, by law, of a National Health Service (NHS) and a Health Services Council.²¹ Similarly, one could argue that the right to work (article 6 of the Covenant) is gradually implemented, if one is to believe the latest figures which claim “full employment” with only 5 per cent of the workforce unemployed. However, no further indication is given as to the conditions of employment, the levels of remuneration and the nature of the jobs. These are important factors for determining the right to decent work and the right to a decent standard of living in the longer term.

²⁰ See article 2.1 of CDESCR and similar provisions in article 24 of CEDAW and article 4 of CRC.

²¹ *Trinidad Guardian*, 2 May, 2007

Also, the Government of Trinidad and Tobago has recently tabled in Parliament, with much delay, the Equal Opportunity Act (2007). This Act protects from discrimination and provides equal opportunities in the areas of employment, education and in the provision of goods and services.²² However, the Act does not provide protection from discrimination for other concerned groups, notably for people living with Human Immunodeficiency Virus/Acquired Immune Deficiency Syndrome (HIV/AIDS). With regard to women, there is a new National Gender Policy in the making for some time, but it has not yet passed the test of public scrutiny and parliamentary debate. Also, the government has announced very recently the establishment of a separate Heritage and Stabilisation Fund, setting aside portions of the current oil and gas windfalls for the future, recognising thus, if only implicitly, the “inter-generational” element of sustainable human development.²³ However, there seems to be no explicit link with a long-term development strategy, such as vision 20/20. With regard to the rights of the child, the government has promised to speed up the passing in Parliament of six pieces of long overdue children legislations, including the Children’s Authority Bill, and this in the wake of recent killings and abuse of children.²⁴ These are certainly commendable efforts towards gradual implementation of the main United Nations human rights conventions in support of sustainable human development. It must be noted, however, that they often occur with much delay while competing with other government priorities, they are in parts selective and incoherent in terms of their scope of protection, they are often lacking the necessary legislative and institutional back up, and they do not make a direct link with the relevant international human rights instruments. Overall, it is fair to say that the implementation efforts of Trinidad and Tobago are incomplete and not yet in full compliance with their obligations under the CDESCR and the related conventions. The same conclusion can probably be drawn with regard to the other SIDS in the CARICOM region.

National implementation is also lagging behind with regard to the major international humanitarian law instruments.²⁵ As mentioned above, all CARICOM SIDS are contracting parties to the four Geneva conventions, but none of them has the necessary implementing legislation in place. Almost all have acceded to the weapons-related conventions, but the necessary national legislation is missing, with the exception of the anti-personnel land mines act enacted by Belize, Suriname and Trinidad and Tobago and the biological weapons bill enacted by St. Kitts and Nevis. With regard to the ICC, among the seven CARICOM SIDS who have ratified the Rome Statute, only Trinidad and Tobago has a proper ICC Bill in place. Granted, these humanitarian law instruments often require specialised, legislative drafting skills which are not easily available at the level of the SIDS in the Caribbean which, in addition, have to cope with a host of other pressing issues on their legislative agendas, such as the CARICOM Single Market and Economy (CSME) legislation and anti-terrorism legislation. However, model laws and drafting assistance in the area of humanitarian law are available through international channels in the form of technical cooperation, provided that there is awareness and political will to go for it.

²² [www.ttparliament.org/equal opportunity act/...](http://www.ttparliament.org/equal%20opportunity%20act/)

²³ *Daily Express*, 15 May 2007.

²⁴ *Trinidad Guardian*, 1 June, 2007, p.9.

²⁵ For an updated picture of the state of implementation of IHL instruments in the Caribbean, see [www.icrc.org/national implementation database/ ...](http://www.icrc.org/national%20implementation%20database/)

C. Implementing the Millennium Declaration in the Caribbean

As was stated above, United Nations resolutions generally do not create international legally binding obligations on the member States. They do not have the status of international treaties. However, they fulfil a normative function in that they set principles, standards and targets to be followed by the member States and the various agencies and programmes of the United Nations. The normative function of United Nations resolutions is even more pronounced in case when they are adopted by large majorities verging towards unanimity and this at the highest political level. As such, they constitute, if not a legal obligation *strictu sensu*, at least a strong commitment on the part of the member States to give effect to the provisions of the resolution and to proceed with gradual implementation. In this sense, United Nations resolutions are applicable and implementable in the domestic sphere of member States, without lengthy treaty-making and ratification procedures. This normative function manifests itself in particular in the case of major United Nations resolutions and declarations adopted in the pursuit of sustainable human development, starting from the Declaration on the Right to Development, through the World Summit Declarations of the 1990s and culminating somehow with the adoption of the Millennium Declaration and the Millennium Development Goals.

The Millennium Declaration and the Millennium Development Goals are a comprehensive and integrated expression of, and commitment to, the concept of sustainable human development and indicate the steps and measures to be taken towards gradual implementation and progressive realisation of the basic human rights underlying the Goals. What is unique about the Goals is the identification of eight broad goals concerning the major development issues facing the international community at the turn of the century, the establishment of a set of agreed targets and measurable indicators and the setting of a timeframe and target date within which the goals are to be achieved.²⁶ The Goals and their targets constitute a roadmap towards the progressive realisation of basic human rights through reducing extreme poverty and hunger, achieving universal (primary) education, promoting gender equality, reducing child mortality and improving maternal health, reducing HIV prevalence and the incidence of malaria and other major diseases, ensuring environmental sustainability and building global partnerships for development.

The Caribbean SIDS, by virtue of their United Nations membership and by exercising their voting power in the General Assembly, have explicitly subscribed to the principles, standards and targets expressed in the Millennium Declaration and the Millennium Development Goals. Thus, they have committed themselves towards gradual implementation and progressive realisation of these goals, standards and targets within the agreed timeframe in the pursuit of sustainable human development. It is important to note that Goal 8 represents a commitment of the developed countries to enter into a global partnership with the developing world, in support of an open and non-discriminatory trading system, in support of easier market access and increased official development assistance, in support of affordable, essential drugs, in support of debt relief, and in support of better access to new information and communications technologies. In this context of partnership, the needs and requirements of SIDS are to be given special attention (Goal 8, target 14), as a follow-up to the Barbados Programme of Action, and the more recently adopted “Mauritius Strategy for the Further Implementation of the Programme of Action

²⁶ For the specifics of the MDGs, targets and indicators see [www.un.org/millennium-development-goals/...](http://www.un.org/millennium-development-goals/)

for the Sustainable Development of Small Island Developing States.”²⁷ The Mauritius Strategy makes specific reference to the Millennium Development Goals as the overarching framework for sustainable development.²⁸ It recognises throughout the text that human rights such as the right to education, the right to sustainable livelihoods, the right to gender equality, the right to good governance and democracy, the right to cultural identity and, overall, the right to development are fundamental human rights, essential for “achieving sustainable development and ensuring that sustainable development benefits all.”²⁹ Thus, the SIDS of the Caribbean are part of a comprehensive, normative framework for international development cooperation, primarily through the MDGs and other related instruments, a framework based on partnerships and commitments on both sides of the “north-south divide”.

For the Caribbean SIDS, implementing the MDGs means in the first instance to tailor and adjust them to their specific needs and requirements. Not all of the Goals might have the same urgency and relevance. The implementation of some might be more advanced than others. For example, the goal of universal primary and secondary education is practically attained in the SIDS of the CARICOM region, while emphasis is still to be placed on achieving acceptable levels of tertiary education. In this region, some priority is to be given clearly to the goals aiming at poverty reduction, environmental sustainability, gender equality and combating HIV/AIDS. Therefore, further refining and possibly some prioritising of the Millennium Development Goals and their targets and indicators is a first task to be completed in the process of implementation. Secondly, the Goals must be integrated into comprehensive national development strategies and plans or, alternatively, they must at least be the object of separate sectoral plans singling out one or the other specific Goal, deemed of particular importance to the countries concerned. And thirdly, whatever strategies or plans, they must be endowed with adequate resources and budgetary allocations for them to be “implementable”.³⁰

With regard to Goal 6, the SIDS of the CARICOM region have all formulated national strategic plans and set up appropriate institutional machinery in combating and reducing the spread of HIV/AIDS. CARICOM itself has a Pan-Caribbean Partnership Programme (PANCAP), funded by multilateral and bilateral donor agencies. Specific human rights considerations are included in these programmes with regard to issues relating to discrimination and stigma of people living with HIV/AIDS. Also, individual CARICOM States have sector-specific policies and programmes in place – or bits and pieces thereof - in support of the implementation of one or the other of the Goals (gender, poverty, health and environment). What is missing are more comprehensive, multi-annual and holistic development strategies and plans, with the Millennium Development Goals and their specific targets clearly identified as a means towards achieving sustainable human development and the human rights of the Caribbean people. In this sense, the implementation of the Goals should become the normative

²⁷ Mauritius Strategy, 13 January, 2005, see www.un.org/small_islands2005/sids/pdf/...

²⁸ Ibid. para. 2.

²⁹ Ibid. para. 9.

³⁰ On the question of financing for the MDGs, see a detailed analysis around MDG 8 in the publication by the United Nations in cooperation with UN agencies and programmes, *The Millennium Development Goals: A Latin American and Caribbean Perspective*, Santiago, June 2005, pp. 209 – 247.

underpinning of national multi-annual development efforts, with the necessary financial resources allocated and the appropriate monitoring mechanism in place.³¹

Monitoring the implementation of the Millennium Development Goals in itself is a complex and multifaceted task requiring considerable technical and financial resources. And yet, it is incumbent of the States which have subscribed to fulfil this task and to set up proper monitoring mechanisms. Proper monitoring will require detailed analysis of the annual budgets of the States concerned. It will have to examine in particular the social and economic policy allocations over several years and to weigh them against each other as well as compare them with allocations to other sectors, such as national security, infrastructure, and “prestige” projects. Proper monitoring will also have to look at the impact the related policies of the Goals have over a period of time, in order to measure progress of the advancement of the process. For all of these requirements, the SIDS in the CARICOM region have limited monitoring capacities, financial, technical and otherwise. The United Nations agencies and programmes in the region should stand ready to support the monitoring effort.

D. Human rights reporting in the Caribbean

There is one other specific implementing obligation the Caribbean SIDS have assumed in adhering to the international human rights conventions and other instruments. That is the duty to submit periodic reports to the various international supervisory bodies and to account for the state and progress of national implementation of these instruments. Each of the six major United Nations covenants and conventions has set up such a reporting system and requires the contracting parties to prepare and submit reports, at regular intervals, to international committees of experts, established separately under each one of the conventions, with different membership and different substantive and procedural rules.³² Reports are then presented and discussed by the various committees in the presence and with the participation of the representatives of the State concerned. It must be said that the reporting systems as established in the United Nations human rights conventions are not conceived as “naming and shaming” exercises, but they serve essentially to maintain a dialogue with the contracting parties, to jointly assess progress achieved, identify challenges encountered and formulate recommendations with the purpose of gradual implementation and progressive enjoyment of the human rights of people living under the jurisdiction of the contracting parties concerned. It is seen as an opportunity for a government to reaffirm its commitment to the respect and promotion of the human rights of its own citizens.³³ This approach is followed invariably by the different human rights committees and in particular so, by the CESCR.³⁴

³¹ In Trinidad and Tobago, the Government has initiated the formulation of a long-term, comprehensive development strategy using the MDGs and basic human rights, partly at least, as signposts during the formulation phase. See, Trinidad & Tobago, Ministry of Planning and Development, *Vision 20/20, Draft National Strategic Plan*, 2005 (CD Rom).

³² These Committees are: The Committee on Economic, Social and Cultural Rights under CESCR; The Human Rights Committee under CCPR; The Committee on the Elimination of Racial Discrimination under CERD; The Committee on the Elimination of Discrimination against Women und CEDAW; The Committee against Torture und CAT; The Committee on the Rights of the Child under CRC.

³³ See Alston Ph., in *Manual on Human Rights Reporting*, Office of the High Commissioner for Human Rights, UNITAR, United Nations Staff College Project, Turin, p. 20.

³⁴See Alston, *ibid.* p.154.

Looking at the status of human rights reporting by the Caribbean SIDS, the picture that emerges is sketchy and incomplete. Under the Covenant on Economic, Social and Cultural Rights, only Barbados (two reports), Guyana (two reports), Jamaica (four reports), Suriname (one report) and Trinidad and Tobago (three reports) have somehow lived up to their reporting obligations, although below the required numbers and submitted invariably with much delay. Under the CEDAW, only Barbados, Guyana, Jamaica, Suriname and Trinidad and Tobago have a relatively complete reporting record, while Antigua and Barbuda, Bahamas, Dominica, and Grenada have not yet submitted any report to the CEDAW Committee. With regard to the CRC, one observes an improved picture, in that all CARICOM States have submitted at least one report to the Committee on the Rights of the Child, except Haiti and the Bahamas.³⁵ Overall, it must be noted that all the SIDS of the CARICOM region experience difficulties in the implementation of their reporting obligations and, when they do report, their reports are often incomplete and outdated, reflecting government views only, without the necessary inputs of civil society and human rights NGOs. The main difficulty, however, lies in the magnitude and complexity of the task of preparing a large number of different human rights reports at short intervals without the necessary resources available, technical, financial and otherwise.

Reporting on the progress towards implementing and achieving the Millennium Development Goals is yet another duty the member States of the United Nations have accepted by virtue of their commitment to the Millennium Declaration and the development goals derived therefrom. The main purpose of monitoring and reporting on progress in the implementation of the Goals is to facilitate the attainment of satisfactory levels of sustainable human development and the progressive realisation of the basic human rights. Thus, Millennium Development Goal reports are to assess whether the countries are on track in terms of moving towards the Goals and their specific targets within the given timeframe. So far, some 140 such reports have been released world wide. A glance at the current situation for the Caribbean SIDS indicates that, by and large, there is compliance with the formal reporting requirements. Indeed, the bigger CARICOM States have issued their first reports on progress in the implementation of the Goals, i.e. Guyana in 2003, Jamaica in 2004, Suriname in 2005, and Belize in 2005; Trinidad and Tobago has not yet released its report, nor has Haiti. Interestingly, UNDP Barbados has commissioned and released in 2003 a collective, subregional report covering Barbados and the Organisation of Eastern Caribbean States (OECS).³⁶ Invariably, the UNDP country offices in the Caribbean have been instrumental in providing technical and financial support to the Goal reporting exercises.

Overall, the reports are of a certain quality in that they give an indication as to the status of the individual Goals, whether they are being achieved, whether they are on track or whether they are lagging behind or even slipping back. The reports also give, if only partially, an indication as to the extent to which the basic human rights, and in particular the economic, social, and cultural rights are being implemented. If one is to single out one report, it will be the Report on the Millennium Development Goals of the Government of Jamaica, because of the strong national “ownership” of the reporting process by the Planning Institute of Jamaica (PIOJ),

³⁵ For a detailed picture of the status of human rights reporting of the Caribbean SIDS, see [www.bayefsky.com/documents/by state/...](http://www.bayefsky.com/documents/by%20state/)

³⁶ *The Millennium Development Goals in the Eastern Caribbean*, [www.undg.org/mdgs/monitoring reporting/regional reports/...](http://www.undg.org/mdgs/monitoring/reporting/regional%20reports/) For individual national reports, see *ibid*.

the conceptual clarity and the quality of the data. Looking at the CARICOM region as a whole, it can be said that certain Goals and rights are being achieved, such as universal education (Goal 2); for other Goals the region seems to be on track: poverty reduction, (Goal 1); child mortality, (Goal 4). For others, the region seems to be lagging behind: environmental sustainability (Goal 7); HIV/AIDS reduction, (Goal 6) and, to a certain extent, gender equality (Goal 3). This summary assessment was extracted from a more in-depth analysis on the status of the Millennium Development Goals process in the CARICOM region, conducted by UNDP with a team of eminent researchers from the University of the West Indies (UWI), Mona, Jamaica.³⁷

It must be added that reporting under the Millennium Development Goals is also a requirement for the developed countries, in particular under Goal 7 (environmental sustainability) and Goal 8 (global partnerships), by virtue of which they are committed to make specific cooperative efforts towards achieving the Goals, i.e. increased ODA, debt relief, market access, decent work for youth and access to affordable drugs, *inter alia*. Most of the Organization for Economic Cooperation and Development (OECD) countries including the European Union (EU) have released their Millennium Development Goals reports on the occasion of the 60th Anniversary of the United Nations in 2005 and most of them indicate that they are lagging behind or even slipping back in meeting their commitments under Goals 7 and 8 and the specific targets, such as the creation of an open and fair trading and financial system, net increase in ODA, debt relief, and the protection of environmental resources.³⁸

Finally, in the context of human rights reporting, it is important to involve at all stages NGOs, community-based organizations (CBOs) and other relevant civil society organizations. While governments have the primary responsibility to prepare and submit human rights reports, non-governmental bodies can make valuable contributions and greatly enhance the reports. This is true in particular in the CARICOM region where there are a good number of NGOs and civil society organizations concerned with the promotion and protection of human rights. They often act as human rights activists and “watchdogs”; they are involved in empowerment projects at grassroots level; and their contribution to human rights reporting can range from conducting non-partisan research and data collection to making specific substantive inputs; to actually participating in the drafting of the reports. The reason why governments should have an interest in involving NGOs lies in the fact that these bodies often have more relevant and more updated data and documentation bases, as well as the necessary reporting capacity and expertise, which in itself leads to a higher quality of reporting and a better appreciation by the various international supervisory bodies. In the CARICOM region, NGOs are selectively involved in the preparation of human rights reports, but more so in the area of civil and political rights than in the area of economic, social and cultural rights, although for the preparation of the Millennium Development Goals reports, there was significant reliance on the expertise and data provided by groups of experts belonging to academic institutions such as UWI and the University of Suriname.

³⁷ United Nations Development Programme, *Regional Report on the Achievement of the Millennium Development Goals in the Caribbean Community*, UNDP New York, 2004, 75 pages.

³⁸ See the MDGs reports of individual donor countries, [www.undg.org/mdgs/monitoringandreporting/donor_mdg_reports/...](http://www.undg.org/mdgs/monitoringandreporting/donor_mdg_reports/)

One other observation has to be made, still in relation to the role of non-State actors and the private sector in the promotion of human rights. Much has been said and written about the important role the private sector has to play in the pursuit of sustainable human development and in the implementation of human rights. The term “corporate citizenship” has been coined and attached to certain companies and business ventures which display a high level of social responsibility above purely business interests and beyond simple charity motifs. The concept of corporate citizenship has been further concretised in recent years and linkages established with human rights considerations, exemplified by the launching of the Global Compact by the then United Nations Secretary General, Kofi Annan, at the World Economic Forum in Davos, Switzerland. In short, the Global Compact, established very much in the spirit of global partnerships under Goal 8, offers business corporations and associations the opportunity to sign off and pursue social and economic policies supportive of sustainable human development in accordance with 10 internationally recognised human rights principles. The 10 principles refer to basic human rights and international labour standards, basic environmental protection and anti-corruption norms. Once a company or business association has signed off on the Global Compact, it commits itself to integrate these principles and norms into their business strategies and plans and to account in its annual report on the manner in which these human rights principles are reflected in its business operations. World-wide in its outreach and open to big, medium-sized and small business organizations, the Global Compact brings together today a network of over 1000 like-minded private sector corporations guided by the Global Compact Secretariat under auspices of the United Nations in New York.³⁹

A look at the current membership shows that, as of January 2007, only one business association from the CARICOM region has joined the Global Compact, i.e. the South Chamber of Industry and Commerce of Trinidad and Tobago.⁴⁰ No other regional or national private sector corporation appears on the membership list. Is it that some of the important business ventures in the Caribbean have not yet come to term with the concept of good corporate citizenship and prefer to continue focusing on charity work, or is it simply due to a lack of awareness and understanding of this rather unique scheme of working with the private sector in the pursuit of sustainable development and human rights?

E. Measuring progress in human rights implementation

One major difficulty Caribbean countries encounter in the preparation of their national human rights reports refers to the question of how to measure progress in the implementation of human rights, how to measure especially the gradual realisation of the economic, social and cultural rights, and by extension the gradual progress towards achieving sustainable human development. In the Caribbean SIDS, the difficulty is compounded often by the lack of reliable, updated data over time, as well as more generally, the absence of well-staffed and well-equipped statistical offices. Also, if one simply uses one-dimensional indicators to measure progress towards complex development goals, targets and rights, the picture that emerges is often blurred and one sided. For example, progress towards the right to a sustainable environment cannot simply be measured on the basis of one or two indicators as they have evolved over time (green house gas emissions, deforestation) without bringing into the equation other relevant indicators,

³⁹ For more information on the Global Compact, see [www.uncompact.org/...](http://www.uncompact.org/)

⁴⁰ Ibid.

including those relating to poverty reduction. Progress towards poverty reduction in itself cannot be measured on the basis of a poverty line which is defined simply in terms of a minimum nutritional intake measured in somehow arbitrary monetary terms. This was precisely the basis of the recent statement by the Government of Trinidad & Tobago indicating that within the past 5 years poverty levels have been cut in half and reduced from 34 per cent in 2002 to 17 per cent in 2007. Other indicators such as access to health care, water, sanitation and decent shelter, have to be taken into account in order to assess progress in poverty reduction.

Measuring progress towards implementation of human rights and human development has two dimensions: one consists of measuring commitment; the other of assessing impact and outcome. In examining commitment, one has to look at the normative framework within which States are operating and to which they have subscribed both in terms of treaty-based norms and other commitments. In the case of the Caribbean SIDS, it was mentioned above that they have acceded, to a large extent, to the universal system of human rights including relevant United Nations declarations, followed by certain legislative texts at their respective national levels, but texts which are often incomplete, sector specific and without a nexus to the various international instruments. Also, CARICOM States have committed themselves to the adoption of a regional “Convention on Governance, Justice and the Promotion and Protection of Human Rights” intended to be a companion instrument to the Revised Treaty of Chaguaramas, a convention which would incorporate the principles contained in the CARICOM Civil Society Charter together with a number of internationally recognised human rights norms into a legally binding regional human rights regime.⁴¹ The draft is currently being circulated among CARICOM governments for consultations, but their responses are slow in coming and it would appear that some governments have difficulties with certain specific provisions of the proposed draft convention, notably those relating to capital punishment, discrimination for sexual orientation and, importantly, the possible role of the Caribbean Court of Justice (CCJ).

Measuring results and outcomes in the process of implementation of human rights and human development is a more complex task. This is not simply a question of counting and tabulating commitments towards human rights implementation in support of sustainable human development. It is more a question of assessing the extent to which the commitments are actually realised over time and progress is achieved in the process. In order to measure progress, the availability of reliable data and meaningful indicators is essential. And this is not always the case in the Caribbean context. As was mentioned above, the Caribbean SIDS suffer invariably from a lack of updated data and statistical capacities. However, some measure of progress in terms of results and outcomes can be extracted from national human rights reports which are submitted by CARICOM governments from time to time to the various international treaty bodies. Although these reports are often incomplete, lacking necessary data and are submitted with delay, they can at least give an idea as to the status of advancement of the legislative framework and the status of implementation of certain specific policies and plans.

In addition to measuring results and outcomes through the periodic human rights reporting, one can examine the national MDGs reports which establish specific targets and

⁴¹ See McDonald S. A. *Consultancy to Conduct and Formulate the most Suitable Arrangements to provide for the Protection of Human Rights in the Caribbean (CARICOM)*, Consultancy Report including an annotated Draft Convention, CARICOM Secretariat, 12 April, 2006, www.caricom.org/legislative drafting facility.

measurable indicators to determine progress made under each goal. Special attention has to be paid to the distinction between input- and outcome-indicators. For instance with regard to Goal 2 (universal primary school education), the progressive movement of the primary school enrolment rate is an input indicator and does not necessarily indicate an improvement in the learning outcome, i.e. improved reading capacity, for example. Similarly, the fact that a country has a poverty reduction strategy in place, as an input, does not necessarily mean that poverty levels are measurably reduced. Also, in the Caribbean context, it is important that certain targets and indicators are periodically reviewed and new ones are added. For instance with regard to Goal 7 (environmental sustainability), issues relating to climate change and the protection of coral reefs have become of critical importance to the region, apart from deforestation, watershed degradation, waste disposal and energy conservation. As a consequence, the targets for this Goal should be revised and measurement criteria and indicators developed accordingly, so as to reflect the realities of the region.

As was mentioned above, the Caribbean SIDS, with the exception of Trinidad and Tobago and the Bahamas, have all issued a first progress report on the move towards achieving the Millennium Development Goals, some have done so individually, i.e. Belize, Guyana, Jamaica, Suriname, and some collectively, i.e. Barbados and the Eastern Caribbean States. They have partly used data generated by themselves, especially the baseline data commencing with the agreed time line for the Millennium Development Goals reporting in the year 1990. The data were complemented by sources generated by international agencies (World Bank, Caribbean Development Bank(CDB), Organization for Economic Cooperation and Development (OECD), United Nations system agencies and programmes) and certain donor countries. In this respect, data collected in the UNDP annual Human Development Reports are particularly useful for measuring progress under the various Goals and targets. The movements of the human development index and the human poverty index, country by country, certainly give an indication as to the progress made over the years towards achieving the Goals. Altogether, the Millennium Development Goals' reports of the CARICOM SIDS, while not giving a comprehensive picture on the state of advancement of the process at this point in time, allow nevertheless for an overall assessment and measurement as to which country with regard to which Goal is on track, is lagging behind or is even slipping back.⁴² In the end, the purpose of the reports is to give an account of progress at a given time, to assess where the countries of the CARICOM region stand at about half-time of the process, to identify gaps and areas where greater effort is needed, and to engage in strengthened international, multilateral cooperation.

⁴² With regard to Goal 8 (global partnership) there is serious concern as to progress achieved. Premised on an open and non discriminatory trading and financial system, increased ODA and debt relief, the achievement of Goal 8 is very much in doubt in the absence of any real progress in the negotiations at WTO and other multilateral for a. See, *UNDP Regional Report on the Achievement of the Millennium Development Goals ... op.cit., p.4.*

IV. A RIGHTS-BASED APPROACH TO DEVELOPMENT IN THE CARIBBEAN

A. The concept

In recent years, there has been a marked effort by the international development community to systematically integrate human rights considerations into the quest for sustainable human development, i.e. a rights-based approach to development. Much has been written and said about such an approach. In the current literature, there is agreement that there must be adherence to certain basic principles as a precondition for the adoption of a rights-based approach, principles such as participation, accountability, equality, non-discrimination, universality and indivisibility.⁴³ In addition, human development goals and objectives are to be regarded as entitlements, and not simply as human needs or development requirements, entitlements that can be claimed by individuals – groups of individuals – as right holders against the corresponding duty holders such as the State or the international development community. In the words of the former Secretary General, the rights-based approach “empowers people to demand justice as a right, not as a charity, and it gives communities a moral basis from which to claim international assistance where needed.”⁴⁴

The concept of a human rights-based approach to development has been introduced and strongly promoted in basic policy documents of the development agencies and programmes of the United Nations System in the second part of the 1990s. UNICEF has been at the forefront in promoting and adopting such an approach in its policy and programme work. The other United Nations development agencies and programmes have followed suit and integrated the concept to a certain extent into their policies and programmes.⁴⁵ In parallel and following the Vienna World Conference on Human Rights, the newly consolidated Office of the United Nations High Commissioner for Human Rights (OHCHR) has strengthened its internal capacities, has placed new emphasis on the implementation of economic, social and cultural rights at national level, and is now actively supporting the other United Nations development agencies and programmes in the formulation and implementation of a rights-based approach to development. The World Bank, on the other hand, has thus far not fully endorsed a human rights-based approach to its

⁴³ See for the conceptual approach, Sengupta A., *Implementing the Right to Development*, in Schrijver N. and Weiss F., op.cit. pp.341-377. Special reference is made to the UNDP *Human Development Report 2000: Human Rights and Human Development*. This report makes the explicit link between human development and basic human rights expressed by a set of fundamental freedoms and inspired by Amartia Sen’s important work on *Development as Freedom*, Knopf, New York, 1989.

⁴⁴ Annan K., Secretary General. *Annual Report of the Secretary General on the Work of the Organisation*, United Nations, 1998. The Secretary General again in the context of the more recent reform debate made a strong call for a human rights-based approach to development. See *In Larger Freedom: Towards Development, Security and Human Rights for All*, Report of the Secretary General, 2005, paras. 140 – 143, [www.un.org/renewing the united nations/reference materials](http://www.un.org/renewing_the_united_nations/reference_materials)

⁴⁵ Among the various policy documents of UN agencies and programmes on the rights-based approach, to mention specially Rozga D. *Applying a human rights approach to programming: Experiences of UNICEF*, Paper presented for the Workshop on Human Rights, Assets and Livelihood Security, and Sustainable Development, 19 – 20 June 2001. See also, UNDP Policy Document, *Integrating Rights with Sustainable Human Development*, UNDP, New York, 1998. See also *Statement made by the UN High Commissioner for Human Rights on the rights-based approach to human rights, at the World Summit on Sustainable Development, August 2002*, www.un.org/events/wssd/statements.unhchr/...

development work, but it argues that it contributes towards the realisation of human rights through support to governance, public sector reform and social sector initiatives, such as the “social accountability” scheme, this latter foresees the establishment of certain mechanisms to explicitly guarantee the delivery of social services and to hold the service provider accountable in case of non-delivery. The above mentioned recent workshop convened by the World Bank, the IDB, OAS and ECLAC in Santiago, Chile, on explicit guarantees in the implementation of economic, social and cultural rights in selected Latin American countries suggests the concept of social guarantees and its operationalisation as a meaningful contribution towards realising basic human rights.⁴⁶

B. The rights-based approach: An operational framework

The rights-based approach is a concept that is strongly promoted by the United Nations and its various development agencies and programmes as well as by certain donor countries, among them Australia and the United Kingdom. It has served as a new programming tool at country level for the individual United Nations agencies and programmes. As such, the rights-based approach was limited to their specific sectors of intervention and spheres of competence, i.e. food, health, education, labour, children, women, population, etc. What was missing was a more comprehensive, integrated operational framework that brings together the various United Nations development agencies and programmes in a joint programming and coordination effort, that encompasses the different clusters of human rights, economic, social and cultural, and that is built around the Millennium Development Goals and the countries’ commitment towards gradual implementation. In this context, an important step was made by establishing the United Nations Resident Coordination System for operational activities in-country under UNDP leadership, as well as by the introduction of a United Nations System Common Country Assessment (CCA) and the formulation of an UNDAF at country level. The United Nations Resident Coordination System has been further strengthened in the context of United Nations reform efforts and the formulation of the CCA and the UNDAF now follows new and stricter criteria and requirements than was the case initially for the first generation of UNDAFs.

Indeed, the UNDAF has gradually evolved into a proper, common framework and programming tool for the operational activities of the United Nations system at country level. Integrating human rights into the broad range of United Nations development policies, development cooperation and technical assistance programmes has become the centrepiece of the second generation of UNDAFs. United Nations system agencies and programmes, in response to the call of the Secretary General for reform, have signed off, in 2003, on a common understanding of, and commitment to, a rights-based approach to development cooperation and programming. Thus, it is now generally recognised within the United Nations system, based on a common understanding, that development cooperation is to contribute towards the realisation of human rights, is to be guided at all phases of the programming process by the principles and standards derived from the universal system of human rights, and is to strengthen the capacities

⁴⁶ See in particular workshop paper prepared by Marcelo Drago (ECLAC/IDB) Consultant on *The Explicit Guarantee Model in Chilean Public Policies*, Santiago, April 2007.

of the duty bearers to meet their obligations and of the rights bearers to claim their rights.⁴⁷ A further requirement for the UNDAF consists of clearly identifying the national development priority areas and linking them explicitly to the various relevant Goals, be this in the area of poverty, education, health, gender, environment, and partnerships, it being understood that the Millennium Development Goals constitute the accepted roadmap towards the progressive realisation of human rights and the right to development. The UNDAF requires a careful preparatory process involving, in the first instance, the relevant government departments, but also non-State actors and stakeholders including NGOs, civil society organizations and private sector representatives. The UNDAF, as an operational framework, sets out under each priority area country specific outputs and outcomes as well as resource mobilisation targets and proper monitoring and evaluation mechanisms. In the end, the UNDAF has to be seen and adopted as a programming instrument of the host government in support of – and complementary to the national, multi-annual development plans. Governmental ownership in the implementation phase of the UNDAF is of paramount importance.

C. The UNDAF in the Caribbean

Thus far, a good number of new generation UNDAFs have been formulated and adopted, preceded by CCAs. The OHCHR has examined some of these documents in particular with regard to the extent to which they have effectively integrated a human rights approach to development cooperation and programming. In fact, the OHCHR has reviewed and analysed some 12 CCAs and UNDAFs adopted in 2003 and highlighted good practices and lessons learned from these exercises.⁴⁸ Overall and compared with the early UNDAF years, the OHCHR report notes improvements in terms of inserting a rights-based approach into the UNDAFs and it signals a growing interest and commitment among United Nations System Country Teams (UNCTs) to apply a human rights-based approach to development cooperation. This conclusion is valid also for the formulation and implementation of the UNDAFs in the countries of the CARICOM region.

The first generation of UNDAFs in the Caribbean hardly made any reference to human rights considerations as important ingredients in the formulation of these development cooperation frameworks. Moreover, some of them were never completed nor subscribed to by the relevant government authorities. It is only in recent times and in the context of United Nations reform efforts that a new set of UNDAFs are in the making in the region. The following countries have UNDAFs with the United Nations Country Team: Jamaica, covering the period 2001–2007; Suriname, covering the period 2008–2011; Guyana, covering the period 2006–2010; Belize, covering the period 2007–2011. The UNDAF for Barbados and for the countries of the OECS, a collective exercise is being formulated and certain elements are available, but given the number of countries involved, the preparatory process is necessary slow. Finally, there is a draft UNDAF available for Trinidad and Tobago, the process of consultation and approval is rather slow and is meeting with certain obstacles, bureaucratic and otherwise, at the level of the relevant government authorities. No UNDAF information is available from the Bahamas. All the

⁴⁷ The elements of the *UN Common Understanding of a Rights-Based Approach to Development Cooperation* are reproduced in *Human Rights-Based Approach to Development: Good practices and lessons learned from the 2003 CCAs and UNDAFs*, Office of the High Commissioner for Human Rights, December 2004, pp. 49 – 51.

⁴⁸ *Ibid.* pp. 16 - 43

above UNDAF materials were obtained either in hard copy from the United Nations system country offices or from their respective websites.

In reviewing these various documents, a number of observations can be made. First of all, the Caribbean UNDAFs, those completed and those in preparation, reflect to varying degrees human rights-based approaches both in terms of outputs and outcomes. They pay due attention to key human rights principles and standards, such as participation, equality and non-discrimination and they are people-centred, targeting in particular the vulnerable groups in Caribbean societies, so as to strengthen their capacities to claim their rights. Also, the review of the Caribbean UNDAFs indicates the linkage made under each national priority area with one or several of the Goals. In addition, the UNDAFs assign, for the purpose of implementation, roles and responsibilities to each member of the United Nations System Country Team and the corresponding national authorities. And finally, the documents set out resource mobilisation targets under each country programme output totalling millions of United States dollars. Whether the resource mobilisation targets are realistic can only be assessed during the implementation phase. It is to be noted that in the case of Jamaica and Guyana, the respective UNDAFs include other international development partners. The World Bank is formally a signatory to the UNDAF of Jamaica and is committed to contribute to the resource mobilisation efforts by way of loans. In the case of Guyana, other multilateral and bilateral development agencies such as IDB, World Bank, the Canadian International Development Agency (CIDA) and the United States Agency for International Development (USAID) appear as partners in the UNDAF exercise.

Among the UNDAFs which were reviewed for the purpose of this report, three of them are particularly outstanding in terms of the rights-based approach and in terms of their linkages and complementarities with national multi-annual development strategies and plans. These are UNDAF Jamaica, UNDAF Suriname and UNDAF Guyana. The three documents throughout are referring to human rights principles and standards as an integral part of the sustainable human development framework which, in turn, helped shaping outputs and outcomes. Regarding the Guyana UNDAF, the OHCHR, in its review of UNDAFs in 2005, is considering the document as a good example of making a rights-based approach the centrepiece of development cooperation.⁴⁹ The review of the Office of the High Commissioner highlights in particular good practices during the preparatory process of the Guyana UNDAF, i.e. a deliberate effort to strengthen the in-house human rights capacities of the Country Team by bringing on board a human rights adviser throughout the process, a strong and sustained advocacy drive with governmental authorities and other non-State stakeholders, and the ability and skills of the Country Team to formulate and draft the UNDAF with internal resources and not with outside consultants.

While the SIDS in the CARICOM region, together with the United Nations System at country level, are relatively well advanced in terms of formulating and adopting a human rights oriented approach to development cooperation through their respective UNDAFs, the real test of course comes at the time of implementation and when outputs and outcomes are to be assessed and evaluated. At all times, one has to keep in mind that human rights and, in particular, economic, social and cultural rights are not implemented “over night”, but that they are, by their very nature, subject to the principle of progressive realisation. Thus, it might well happen that the

⁴⁹ See www.ohchr.org/issues/good_practices_undafs/2005/...

implementation phase of the UNDAFs suffers setbacks and delays and that achieving the objectives, outcomes and outputs require more time than what is given as a timeframe in the various documents. Also, the implementation of the UNDAFs depends on the amount of resources available and the level of commitment to allocate them to the various programme outputs and outcomes. Governments have the obligation to make their best effort in terms of resource mobilisation and resource allocation in accordance with the principle of “maximum available resources” that must be guiding the implementation process.

In light of decreasing programme resources on the part of United Nations agencies and programmes in the Caribbean, it is important from the start that resource mobilisation targets are being seen as realistic, achievable and being treated as targets and not as accomplishments, so as to avoid unnecessary confusion and misunderstanding among stakeholders and the public at large. To exemplify this type of misunderstanding, reference is made to news headlines which appeared immediately after the signing of the UNDAF for Suriname and which reads as follows: “Suriname and UN signs US\$ 40 million aid package”.⁵⁰ Such headlines give the impression as if the resource mobilisation targets have already been achieved even before the start-up of UNDAF implementation. In fact, the United Nations system agencies and programmes operating at the level of the various Caribbean countries have to seek the necessary funding for the UNDAFs in large part outside their regular, minimal programme resources, from the host governments, bilateral and multilateral donors and other stakeholders such as NGOs and the private sector. This, in turn, requires a major sustained and coordinated effort on the part of the United Nations Country Teams (UNCTs) and, as a precondition, enhanced coordination including the harmonisation of their respective programme cycles which has yet to be achieved among the members of the UNCTs in the Caribbean.

V. THE CHALLENGES FOR THE CARIBBEAN SIDS

Integrating and mainstreaming human rights principles and norms in pursuit of sustainable human development, poses a number of challenges to the Caribbean SIDS. Some of the challenges are more general in nature, some others are more specific and country related. The following is based essentially on interviews and observations made by the author during his service as Head of the Subregional Delegation of the International Committee of the Red Cross, an assignment with the specific mandate to promote implementation of human rights and humanitarian law in the CARICOM region with governments and other key stakeholders.

A. General observations

One of the main challenges for the Caribbean SIDS of linking human rights with sustainable development resides in the fact that, by and large, the international human rights system does not occupy a pre-eminent position in the day-to-day occupations of Caribbean societies. This is probably so because the Caribbean countries, with one or two exceptions, are not exposed to, and affected by, gross human rights violations. In that sense, their human rights

⁵⁰ See Ivan Cairo, 5 April 2007 on www.caribbeanetnews.com/news/...

record is a positive one, certainly in comparison with other countries and regions of the world. Overall, human rights as enshrined in the respective Caribbean constitutions are respected and upheld, certainly with regard to civil and political rights. On the other hand, one observes a relatively low level of awareness of the importance and relevance of human rights *per se* and of the nexus to be established between sustainable development and human rights, in particular the economic, social and cultural rights. Indeed, that “missing link” is often evident at various levels, in government, between lawyers and development planners, in academic circles, in the media and in the public at large. Even at the level of CARICOM, there is no apparent link between sustainable development and human rights to form the basis of a coherent, regional development policy frame. This is what the reading of the relevant work programme of the Secretariat would reveal.⁵¹ In the CARICOM region, a lack of understanding and appreciation is still noticeable with regard to the value added of the human rights dimension to the development process, and of the function of empowerment human rights fulfil in advancing sustainable development, in particular with regard to the poor and disadvantaged groups in society.

The challenge therefore is to raise awareness and sensitivity and engage in a sustained advocacy effort with the various target groups. While in the preparatory and drafting phase of the Caribbean UNDAFs it is explicitly recognised by government officials and certain NGOs that human rights form the basis of the proposed programmes, by merely stating it does not necessarily make it so. The challenge is to keep the momentum going, to ensue participation and commitments throughout the implementation phase, at the highest level of the various government departments, at the level of parliaments, at the level of the different groups of stake holders, at the level of the different Country Teams themselves, and at the level of the population at large which ultimately holds the rights and must be able to claim them. In this context, the remarks made by the Minister of Planning and Development of Suriname at the UNDAF signing ceremony, are very much to the point: “I hope that with the implementation of this UNDAF, the participatory process that was so successfully initiated in the preparation phase will be continued and strengthened”.⁵²

Another challenge that Caribbean SIDS will face invariably in the implementation of their UNDAFs is the issue of collaboration and coordination. While during the preparatory process, a good level of collaboration and coordination was demonstrated between the main actors, i.e. government departments and country teams, the same level, if not higher, is required during the implementation phase. This is valid in particular with regard to the resource mobilisation drive and the allocation of resources to specific components and priority areas. A truly collaborative implementation and coordination effort both by government and the United Nations agencies and programmes is key for achieving UNDAF results. With regard to the United Nations bodies, coordination mechanisms and measures need to be strengthened at Headquarters and in the field, starting with the effective harmonisation of their respective programme cycles. To quote again the Minister of Planning and Development Cooperation of Suriname who, on the occasion of the UNDAF signing, emphasised that “a better coordinated and collaborative approach will also be required from the United Nations agencies operating in

⁵¹ See CARICOM Secretariat, Programme 8: Sustainable Development Work Programme, 2004, www.caricom.org/jsp/search/...

⁵² Quoted from Caribbean Net News, 7 April, 2007, www.caribbeannetnews.com/news/...

Suriname, in order to truly bring a human rights approach to the programmes and to have the strong results-based orientation which the UNDAF has set to achieve”.⁵³

Generally speaking, it is fair to say that human rights awareness is relatively low in Caribbean societies. There is a lack of systematic promotion of - and sensitisation to the norms and principles of human rights and humanitarian law as they derive from the international system and which, after all, Caribbean States have acceded to. Celebrating Human Rights Day once a year is not enough, but governments and other non-governmental institutions have a duty and commitment to carry out promotional activities on an on-going basis, thus contributing to the dissemination and wider appreciation of international human rights and humanitarian law. In this context and as an example, it is noted that there is no human rights teaching included in the curricula of Caribbean high schools nor is human rights and humanitarian law taught at Caribbean universities, law schools, faculties of social sciences and international relations programmes, with the exception of human rights modules being delivered at the law faculties of UWI, Cave Hill, the University of Suriname and at the Department of Government of UWI, Mona. In the instances where human rights are taught, emphasis is more so placed on civil and political rights, and little or no connection is made with economic, social and cultural rights as means and tools in the pursuit of sustainable development. Similarly, the media of course report on high-profile issues relating to violations of civil and political rights, but sparingly on issues relating to deficiencies in the economic, social and cultural sphere from a human rights perspective. Therefore, it is important to build necessary capacities in terms of education and information for the dissemination and wider appreciation of the international system of human rights and its implication in the domestic spheres of CARICOM SIDS, in particular with regard to its economic, social and cultural dimension. In this, the UNCTs operating in the region have a definite role to play, within and beyond the UNDAF exercises

B. Specific challenges

There are a number of specific challenges that the Caribbean SIDS are facing in the implementation of international human rights and humanitarian law. The challenges are mainly due to the smallness of these countries both in size and population. Because of their small size and limited capacities, governments are invariably overburdened in terms of their obligation to implement their international commitments, and they are facing constantly competing priorities in terms of enacting necessary national legislation and other implementing measures so as to give effect to international commitments in their domestic spheres. What is often forgotten is the fact that accession to the various international instruments is in itself not enough to participate effectively in the universal system of protective principles and norms. Implementation must follow. As was mentioned above, it is in this regard that the Caribbean SIDS are lagging behind, simply because there are always other pressing priorities, limited capacities, and often the absence of political will to give human rights implementation the certain priority it deserves. On the legislative front for example, CARICOM governments, over the last four years, were heavily absorbed with drafting and enacting CSME and Anti-Terrorism Legislation which, in turn, caused significant delay in drafting and enacting other pieces of legislation relevant to the implementation of certain international human rights instruments.

⁵³ Ibid.

And then there is a lack of resources, human, technical and financial, another challenge which Caribbean SIDS encounter at various levels of human rights implementation. For example, none of the CARICOM States have a properly staffed and equipped human rights unit that would be working out of the Ministry of Foreign Affairs and/or the Office of the Attorney General, for the purpose of monitoring and promoting the implementation of the human rights agenda at the national level. The staffing in these government ministries is simply too limited to dedicate special, qualified personnel to these tasks on an on-going basis. Staff members might be assigned to specific international human rights obligations, but only temporarily and without having the necessary technical expertise and the required financial resources at their disposal. This becomes manifest in areas such as human rights monitoring and reporting as well as human rights legislative drafting. In both instances, the government officials responsible are often lacking knowledge and skills to prepare good human rights reports and/or draft relevant implementing legislation. Technical expertise available in other government departments or outside government is not sufficiently used. Often, they do not have appropriate financial resources to bring in the necessary expertise from outside, be it from national or regional experts or from United Nations system agencies and other international development partners. Related to the challenge of resource constraints is the issue of weak statistical offices and the lack of updated, reliable data. This was mentioned above in the context of monitoring and measuring progress in the implementation of human rights, in particular with regard to economic, social and cultural rights such as the right to freedom from poverty, the right to health and education, the right to a sustainable environment and the right to human security.

Finally, a major challenge to the Caribbean SIDS is the ever expanding and complex international human rights system itself and the many obligations and commitments deriving therefrom in terms of national implementation. To look, by way of an example, at the Mauritius Strategy, the amount of specific commitments the SIDS have taken under Chapter XX is truly impressive and one can doubt whether they have the capacity and the means to implement them, and this in the absence of a strong corresponding commitment by the international community and in the absence of a proper monitoring and reporting system. To take the human rights reporting system as another example, in light of the multitude of international human rights instruments and their corresponding reporting obligations, human rights reporting has become a real burden to the small States of the Caribbean. Separate periodic reports are due under each of the six major United Nations Human Rights Conventions. In addition, member States of certain United Nations specialised agencies also are to report separately to the various governing bodies on the implementation of human rights-related conventions adopted under their auspices. In the case of the ILO in particular, the reporting requirements are numerous and cover a wide range of human rights issues, such as freedom of association (Convention No. 87), forced labour (Conventions No. 29 and 105), discrimination in employment (Convention No. 111) and child labour (Convention No. 138). Also, as was seen above, monitoring and reporting on human rights implementation refers not only to treaty-based obligations, but emanates also from other sources, in particular from United Nations resolutions and declarations, most prominent among them the Millennium Declaration and the Millennium Development Goals.

Taken altogether, the multitude of reporting obligations poses a serious challenge to the SIDS of the Caribbean in terms of living up to their commitments and it stretches their capacities to the limit. Strengthening their capacities through occasional training and technical assistance

interventions is useful, but not enough.⁵⁴ The problem is systemic in that the reporting system as currently set up is too compartmentalised and partitioned, demanding separate reporting procedures and requiring separate submissions to the different international supervisory bodies, instrument by instrument. At the same time, it is important to appreciate that some of the substantive provisions contained in the various instruments are overlapping and cross-cutting and that addressing them in isolation, in separate reports without cross-referencing, points to a lack of coordination and leads to unnecessary duplication. Thus, by way of example, a number of provisions relating to children rights as stipulated in the Convention on the Rights of the Child, are found again in the CESCRC as well as in certain ILO conventions. Similarly, the principles relating to gender equality are addressed in the CEDAW, but they are also reaffirmed and further refined in some of the other instruments, including the relevant ILO conventions. No need therefore to give detailed information in each of the reports on the state of implementation of these provisions; a cross reference is sufficient.

In short, the challenges posed by the international human rights reporting system requires better coordination among the various bodies preparing reports at the national level, and more information sharing and consultation among the various international supervisory bodies. In the case of the smaller States in the Eastern Caribbean, one can ask the question whether it would not be more rational to prepare and submit joint human rights reports at the level of the OECS subregion, in particular when it comes to reporting on the implementation of economic, social and cultural rights, children's rights and women's rights. A joint subregional report was prepared in the case of reporting under the Millennium Development Goals and the same approach should be feasible and acceptable given similar levels of development and a relatively advanced state of integration among the OECS States.

VI. CONCLUDING REMARKS

The basic purpose of this report was to examine to what extent human rights considerations are guiding and directing development policies and activities in the SIDS of the Caribbean region, and to what extent the pursuit of sustainable human development integrates the basic principles and norms of the international human rights system into policy formulation and implementation. The foregoing analysis would suggest that, while the SIDS of the CARICOM, by and large, have endorsed and acceded to the complex and ever-growing international human rights system, traditionally little consideration is given explicitly to the nexus between human rights principles and norms and development issues and processes. It is only in recent years that a rights-based approach to sustainable human development has gradually found its way into development thinking and development practice, and this mainly through the introduction of the UNDAF exercises in which all the Caribbean States are currently participating at various stages of advancement. Also, it is only recently that the normative value and standard setting character of certain United Nations resolutions has been recognised, in particular the resolution relating to the Millennium Declaration and the Millennium

⁵⁴ In the past, UNITAR together with the UN OHCHR conducted a series of regional training workshops on human rights reporting out of which a comprehensive Training Manual on Human Rights Reporting was developed. See *Manual ... op.cit.*

Development Goals. While these instruments are not treaty-based and as such do not establish, strictly speaking, legally binding obligations, they carry with them strong political and moral commitments to be implemented by the member States of the United Nations, including the CARICOM States, members of the United Nations system of organizations.

Both the UNDAFs and the Millennium Development Goals are strongly promoted by the UNCTs in the Caribbean, calling for the systematic inclusion of the Goals into the UNDAFs as the basis and the road map for achieving the countries' development objectives and the progressive realisation of the basic human rights, particularly in the economic, social and cultural spheres. The report emphasises the distinction to be made between civil and political rights and economic, social and cultural rights. Although they are part of one body of international human rights law, the difference has to be appreciated in terms of national implementation. Civil and political rights are implementable by way of corresponding constitutional provisions, enabling legislation and a functioning court system, and this at very little extra cost to the State. On the other hand, economic, social and cultural rights are not immediately implementable. Their implementation can only be achieved gradually and progressively over time, depending not only on legislative texts, but on a set of appropriate policy measures, available resources, judicious budgetary allocations and overall commitment and determination of the government to give priority to the realisation of the economic, social and cultural rights of its citizens over other items of public expenditures. It is suggested that the different nature and requirements of these two sets of human rights in terms of implementation is not always fully understood by Caribbean governments and societies. It is often felt that civil and political rights really constitute the body of internationally recognised and properly established human rights.

The foregoing analysis also suggests that the Caribbean SIDS invariably face challenges and difficulties when it comes to national implementation, in particular with regard to economic, social and cultural rights. Not only does the implementation of these rights require pieces of specific legislation, but they must be followed and supported by appropriate policy measures and plans as well as by the necessary administrative and financial arrangements. In addition, implementation of international human rights commitments carries with it the duty to prepare and submit to the various international bodies periodic reports, if only to assess and measure progress made towards achieving the stated development objectives and gradually realising the right to development in its various dimensions. Thus, implementation becomes a real challenge for the small States of the Caribbean on two grounds. For one, they are all facing overcrowded reporting agendas and, in the absence of the necessary capacities and resources, they are lagging behind in submitting timely and informative reports; and second, measuring progress in moving towards achieving development goals and objectives and realising human rights is in itself a difficult task, in particular in the absence of reliable and updated measurement indicators and statistics which, in turn, makes for weak and often incomplete reports.

At the end of this report, two general conclusions can be drawn:

(a) While the Caribbean SIDS are quite up-to-date in terms of accessions and commitments to the international human rights system, the challenge for them lies in the prompt and effective national implementation. It is in this area where they are lagging behind, be it

because of competing priorities and lack of political will, capacity constraints or low level of awareness of the importance of human rights in the national development process

(b) In the pursuit of sustainable human development, the explicit link with human rights, and in particular with economic, social and cultural, is often missing in the development strategies and plans of the Caribbean SIDS. There is not sufficient awareness that these rights indeed bring added value to the national development process in terms of entitlements of the beneficiaries and not simply in terms of policy pronouncements of the governments. However, a first deliberate effort to integrate international human rights into development plans and programmes, is made in the context of the UNDAF exercises, at least at the level of the formulation phase. It is too early to assess progress and results that should occur during the implementation phase.

VII. RECOMMENDATIONS AND SUGGESTIONS

Following are a number of recommendations essentially aiming at further capacity strengthening in the implementation of a rights-based approach to sustainable human development as it is now proposed through the UNDAFs. Some of the recommendations are made for consideration by the UNCTs internally; some address more specifically the challenges experienced by the Caribbean SIDS; and some are pointing to the international human rights system as it presently operates.

With regard to building further human rights capacities of the UNCTs, it would be useful to engage in a number of sensitisation and learning exercises, individually or collectively, so as to create, within a larger number of team members, a better understanding of the nature and importance of the rights-based approach in the context of the Caribbean UNDAFs.

Also, during the implementation phase of the Caribbean UNDAFs, one could usefully consider obtaining the services of an experienced human rights adviser, well familiar with the rights-based approach to development, available to the UNCTs on a more permanent basis and placed possibly in the Office of the UNDP Caribbean SURF.

Better coordination and closer linkages with the World Bank and other development banks operating in the Caribbean SIDS should be established during UNDAF implementation for the purpose of data collection, resource mobilisation and experience sharing. ECLAC may want to envisage holding a workshop, jointly with the World Bank, on the inclusion of explicit guarantees in social policy plans and projects, as a means and method of implementing economic, social and cultural rights in the Caribbean SIDS, similar to the workshop which was held in April 2007 in Santiago, Chile, with regard to certain Latin American countries.

Finally, the UNCTs should engage in a well planned, sustained and determined advocacy effort for the period of their UNDAFs, targeting not only key government departments, but also donor agencies, universities, the media and relevant NGOs. This is important if only to maintain the momentum created and to ensure continuous political and institutional support.

Regarding the Caribbean SIDS, capacity strengthening is key for the successful implementation of a human rights-based approach as formulated in their UNDAFs. It is recommended that properly staffed human rights units are established at the level of their governments, either in the ministries of foreign affairs or in the offices of the attorney generals. Such units could serve as focal points and coordinators of the human rights work to be carried out in other government departments including human rights reporting and, overall, they could serve to ensure that national laws and policies are in conformity with the international human rights obligations and commitments of the Caribbean SIDS.

In the case of the small States of the Eastern Caribbean, one could consider, for the same purposes, the setting up of a subregional human rights unit to be placed within the OECS Secretariat in Saint Lucia. A similar human rights unit could be established in the CARICOM Secretariat guiding and servicing other departments involved in sustainable human development work.

Following a provision in the Mauritius Strategy which calls for further strengthening the training and teaching of the principles and practices of good governance and human rights,⁵⁵ it is recommended to hold a learning and sensitising seminar on a regional basis, precisely on the relationship between sustainable development and human rights, comprising participants from both areas, governmental and non-governmental.

In addition, it is recommended that national human rights commissions be set up in those Caribbean countries where they do not exist. Such commissions of mixed composition, governmental and non-governmental, will be of crucial importance in overseeing and monitoring the implementation process.

With regard to the monitoring, it has been noted that the Caribbean SIDS invariably have weak sources of verification and outdated and incomplete databases. Hence, it is suggested that national capacities in data collection and analysis on a wide range of human rights-related issues and indicators be developed through a technical assistance programme. Such a programme, conducted possibly on a regional basis by a group of qualified members of UNCTs including ECLAC, and in cooperation with the OHCHR would certainly enhance the monitoring and human rights reporting capacities of the Caribbean SIDS.

This report has highlighted on various occasions the magnitude and complexity of the international human rights system. It is felt that, if not formal recommendations, at least suggestions could be formulated and addressed to the main international actors involved, so as to facilitate the application and implementation and to alleviate the burden of the many obligations and commitments United Nations member States have assumed under the various instruments. It is therefore suggested that, in the first instance, additional technical cooperation funds are allocated at the level of the various United Nations agencies and programmes for the specific purpose of supporting and providing technical assistance to countries which want to align their efforts towards sustainable human development with the relevant human rights norms and which

⁵⁵ See Mauritius Strategy, *op.cit.* para. 72/h

have opted for a rights-based approach for the formulation and implementation of their UNDAFs.

Alternatively, but for the same purpose, one could consider setting up a global human rights fund, similar to the Democracy Fund, to be managed possibly by the OHCHR and supported by contributions from donor countries which, by virtue of Goal 8, have committed themselves to increased ODA. Such funds should be accessible also to the Caribbean SIDS including, in principle, to those which have “graduated”. In essence, they all are committed to the pursuit of sustainable human development in accordance with human rights principles and norms, but they are often lacking the technical expertise when it comes to integrating the norms and standards into development programmes and projects and to measuring progress.

Finally, a few suggestions are addressed to the international supervisory bodies of the major United Nations Human Rights Instruments designed to alleviate in particular the reporting burden of small States such as the ones in the Caribbean. In the context of the current United Nations reform efforts, much is being said and certain results are being achieved in terms of reforming the United Nations Human Rights System, including the creation of a new Human Rights Council. However, little progress is made in terms of reforming and rationalising the treaty-based reporting system, basically because a radical reform would require a formal revision of each treaty and the consent of all States parties which in itself would be extremely time-consuming and a big hurdle. In the meantime, it is suggested that the supervisory bodies can adopt certain measures in their own right in order to facilitate the reporting obligations of small States including those in the Caribbean. These measures could consist of the following:

- (a) Extension of the timeframe within which periodic reports are to be submitted;
- (b) Acceptance of collective reports submitted on behalf of a group of States such as the OECS countries, and this in particular in the economic, social and cultural spheres;
- (c) Consideration of other relevant documents and reports, such as Millennium Development Goals progress reports, UNDAFs and their review by the OHCHR;
- (d) Strengthened coordination and consultation among the various supervisory bodies, including participation of members of other relevant committees in the examination of a given national report, so as to avoid overlapping, unnecessary duplication and repetition.

Annex 1

**Status of Acceptance of the major International Human Rights Instruments
by the SIDS in the CARICOM subregion as of 29 March 2007**

Country	CCPR	CESCR	CEDAW	CERD	CAT	CRC
Antigua & Barbuda	xx	xx	01/08/89	25/10/88	19/07/93	05/10/93
Bahamas	xx	xx	08/10/93	05/08/75	xx	20/02/91
Barbados	05/01/73	05/01/73	16/10/80	08/11/72	xx	09/10/90
Belize	10/06/96	06/09/00*	16/05/90	14/11/01	17/03/86	02/05/90
Dominica	17/06/93	17/06/93	15/09/80	xx	xx	13/03/91
Grenada	06/09/91	06/09/91	30/08/90	17/12/81	xx	05/11/90
Guyana	15/02/77	15/02/77	17/07/80	15/02/77	19/05/88	14/01/
Haiti	06/02/91	xx	28/07/81	19/12/72	xx	08/06/95
Jamaica	03/10/75	03/10/75	19/10/84/	04/06/71	xx	14/05/91
St.Kitts & Nevis	xx	xx	25/04/85	13/10/06	xx	24/07/90
St. Lucia	xx	xx	08/10/82	14/02/90	xx	16/06/93
St.Vincent & Grenadines	19/11/81	19/11/81	04/08/81	09/11/81	01/08/01	26/10/93
Suriname	28/12/76	28/12/78	01/03/93	15/03/84	xx	01/03/91
Trinidad & Tobago	21/12/78	08/12/78	12/01/90	14/10/73	xx	15/12/91

* Belize signatory only

Source: [www. Bayefsky.com/documents/by State as of 29 March 2007](http://www.Bayefsky.com/documents/by%20State%20as%20of%2029%20March%202007)

Acronyms:

CCPR - Covenant on Civil and Political Rights

CESCR – Covenant on Economic, Social and Cultural Rights

CEDAW – Convention on the Elimination of All Forms of Discrimination against Women

CERD – Convention on the Elimination of Racial Discrimination

CAT – Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment

CRC – Convention on the Rights of the Child

Annex 2

**Status of Acceptance of the major International Humanitarian Law Instruments
By the SIDS in the CARICOM subregion as of 31 December, 2006**

Country	GVA C. (1949)	CHEM. C. (1993)	BIOL. C. (1972)	MINES C. (1997)	ICC (1998)
Antigua & Barbuda	06/10/86	29/08/05	29/01/03	03/05/99	18/06/01
Bahamas	11/07/75	xx	26/11/86	31/07/98	xx
Barbados	10/09/68	xx	16/02/73	26/01/99	10/12/02
Belize	29/06/84	01/12/03	20/10/86	23/04/98	05/04/00
Dominica	28/09/81	12/02/01	08/11/78	26/03/99	12/02/01
Grenada	13/04/81	03/06/05	22/10/86	19/08/98	xx
Guyana	22/07/68	12/09/97	xx	19/08/98	24/09/04
Haiti	11/04/57	xx	xx	xx	xx
Jamaica	20/07/64	08/09/00	13/08/75	17/07/98	xx
St. Kitts & Nevis	14/02/86	21/05/04	02/04/91	02/12/98	22/08/06
St. Lucia	18/09/81	09/04/97	26/11/86	13/04/99	xx
St. Vincent/Grenadines	01/04/81	18/09/02	13/05/99	01/08/01	03/12/02
Suriname	13/10/76	28/04/97	06/01/93	23/05/02	xx
Trinidad & Tobago	24/09/63	24/06/97	xx	27/04/98	06/04/99

Source: International Committee of the Red Cross (ICRC), Advisory Services

Abbreviations:

GVA. C. – Geneva Conventions I – IV

CHEM. C. – Chemical Weapons Convention

BIOL.C. - Biological Weapons Convention

MINES C. – Antipersonnel Landmines Convention or Ottawa Convention

ICC – International Criminal Court

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