

'EVERYONE HAS OBLIGATIONS'

Introduction to Human Rights
Principles

'Everyone Has Obligations'

- Rights are Inalienable and Universal
- Rights are Expressed & Guaranteed through:
 - Treaties
 - Customary International Law
 - General Principles
 - Other sources of law



Everyone Has Obligations

- States assume Obligations and Duties
 - Obligation to RESPECT rights
 - Obligation to PROTECT rights
 - Obligation to FULFIL rights
- Individuals and Entities
 - Obligation to respect rights and laws in place that protect and fulfil them



Everyone Has Obligations



- Civil and Political Rights as established in UDHR (The Common Standard)
 - Right to Equality – Art. 1
 - Right to Life, Liberty & Security of a person– Art. 3
 - Right to an Effective Remedy by National Tribunals – Art. 8
 - Right to Freedom of Assembly, Opinion, Expression, Conscience and Religion – Art. 19
 - Right to Recognition as a person before the law – Art. 6
 - Protection of property; privacy, family, home and correspondence – Art. 17
- Civil and Political Rights enshrined in The International Covenant on Civil and Political Rights (The Law)
 - Right to Self-Determination – Art. 1
 - Right to Peaceful Assembly – Art. 21
 - Right to Freedom of Association – Art. 22
 - All persons are equal before the law – Art. 26

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- Economic, Social and Cultural Rights enshrined by the ICESCR (The Law)
 - The International Covenant on Economic Social and Cultural Rights mirrors the UDHR
 - Through its Committee, it monitors state obligations, including state's legislation
 - Important rights identified in this Covenant for Investment Agreements:
 - Adequate standard of living – Art. 11
 - Mental & physical health - Art. 12

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The UN Convention on the Rights of a Child and the UN Convention on Discrimination against Women both make specific reference to:

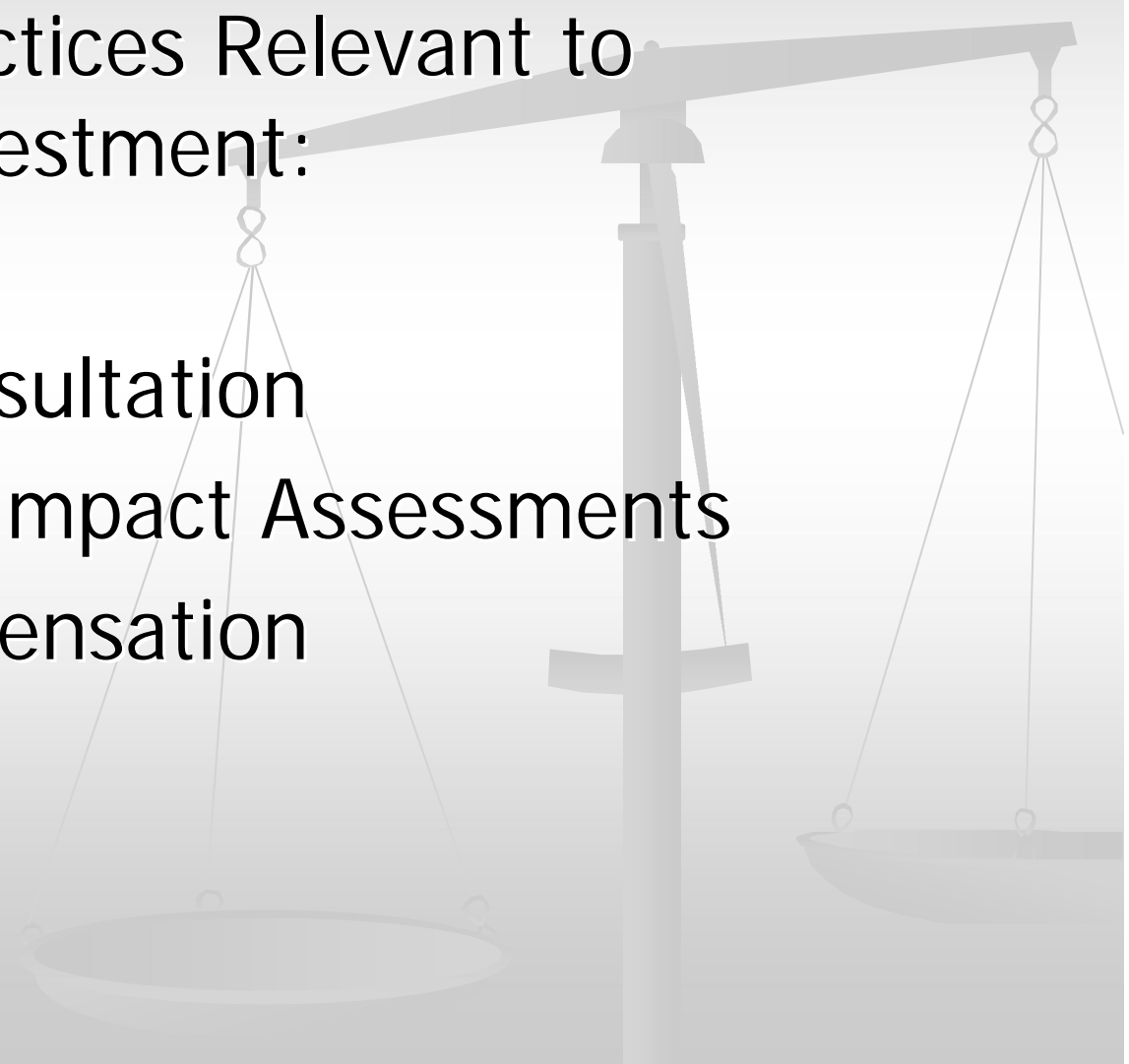
- Enjoyment of the highest attainable Standard of Health
- Provision of Clean Drinking Water

These conventions draw from the previous conventions and standards set and therefore, the specific mention of these rights apply to all ages and are not gender-specific

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Key Themes/ Practices Relevant to Sustainable Investment:

- Transparency
- Meaningful Consultation
- Environmental Impact Assessments
- Adequate compensation



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Why Does This Matter?

- Human rights instruments are living instruments – Anyone aware of those principles will have more power in negotiation as well as in setting standards for the region and the world
 - Emerging from a dictatorship, this government as a whole, has an opportunity to develop principles around investment, bringing more respect to Kurds on an international level
 - What is your Standard of Success?

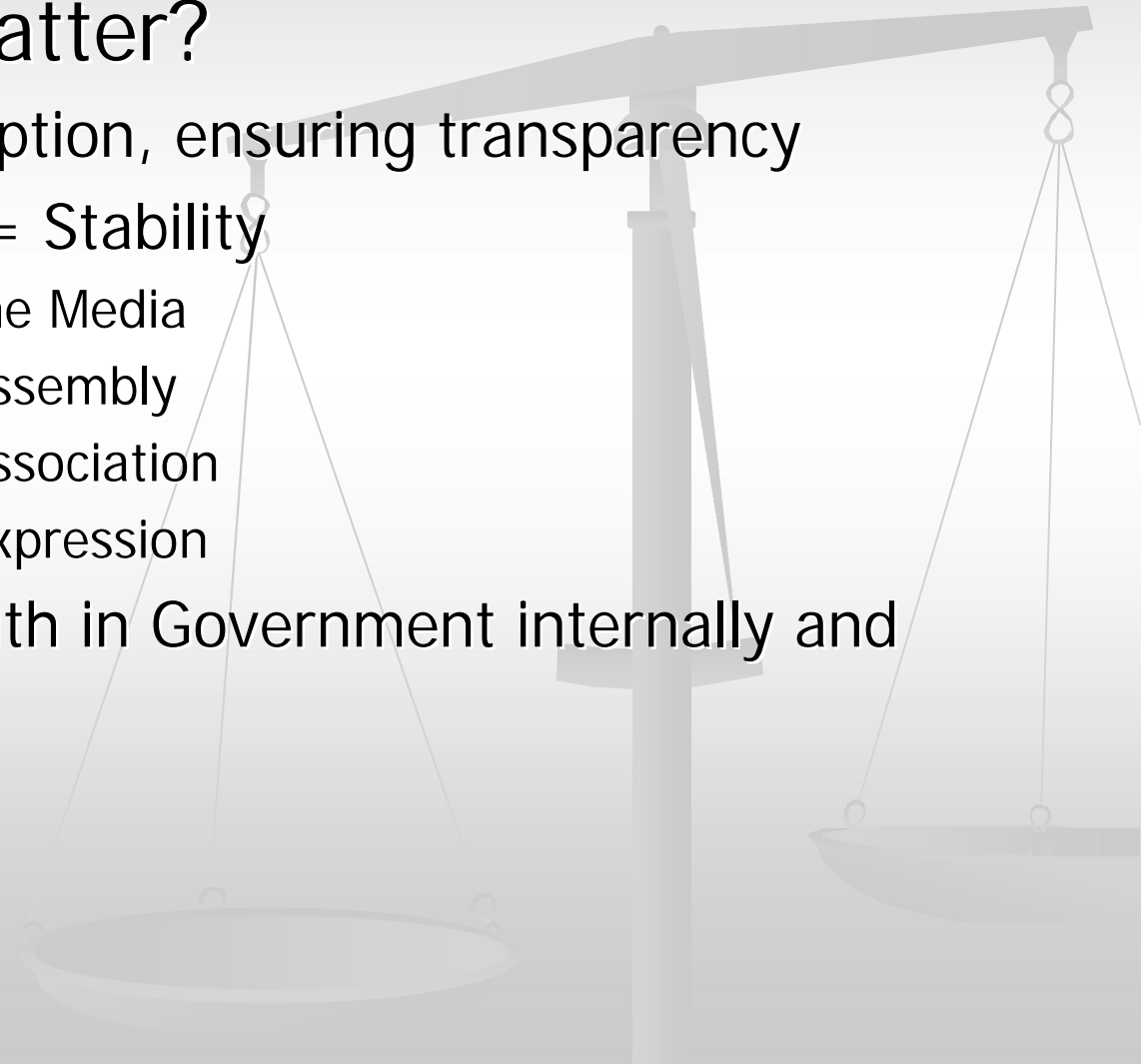
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Why Does This Matter?

- Economic development creates the political relationship between two countries
 - Turkey's limited success with the EU is a great example of this
 - In Iraq, and particularly the KRG, currently there have been few long term, infrastructural development projects, neither by the UN nor private investors
 - Pragmatic approach towards the future...think strategically and long-term
 - How can you be sure you will be able to change those bad precedents

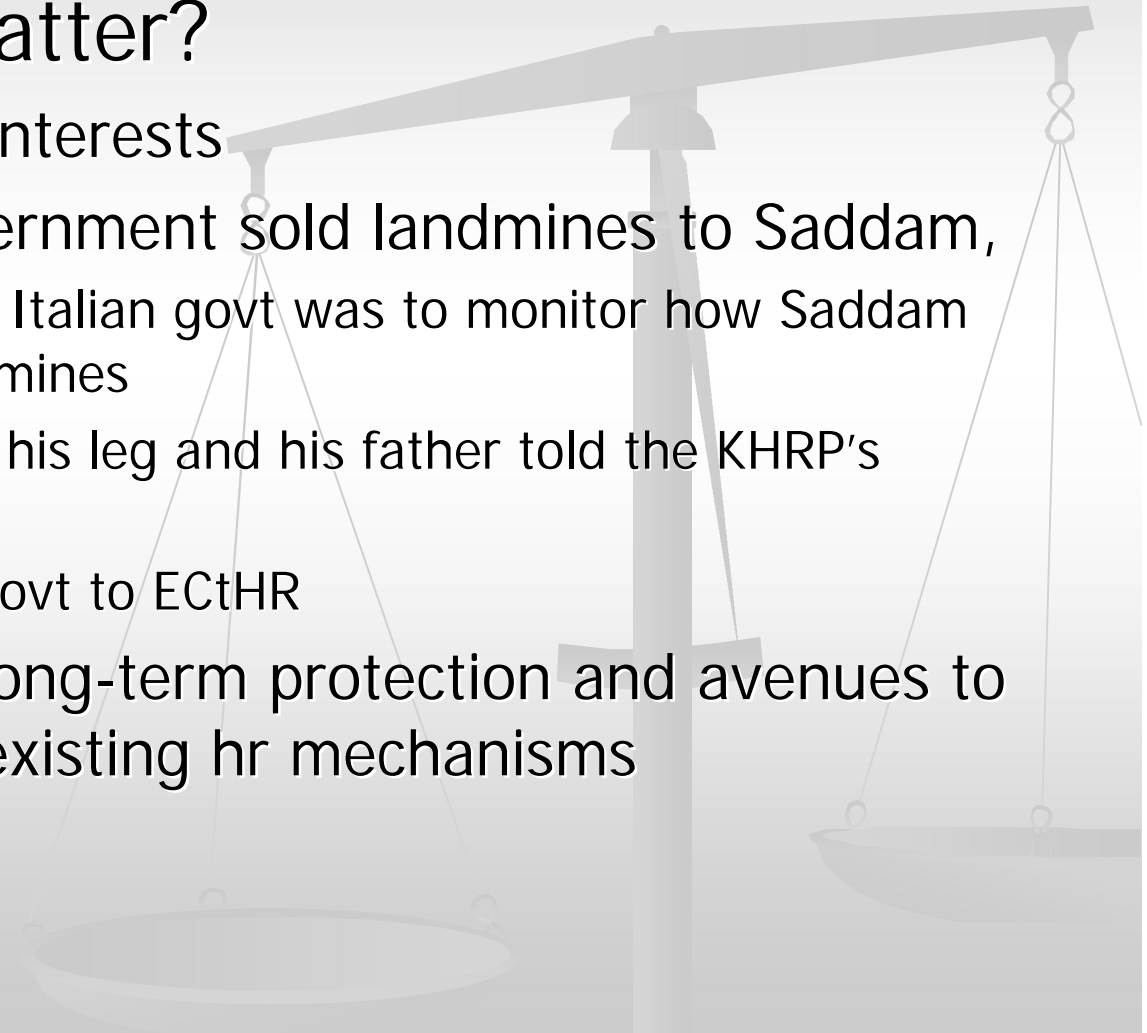
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Why Does This Matter?

- Prevents Corruption, ensuring transparency
 - Transparency = Stability
 - Freedom of the Media
 - Freedom of Assembly
 - Freedom of Association
 - Freedom of Expression
 - Encourages Faith in Government internally and externally
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Why Does This Matter?

- Protects Your Interests
 - Ex. Italian government sold landmines to Saddam,
 - Proviso – The Italian govt was to monitor how Saddam used the landmines
 - Someone lost his leg and his father told the KHRP's founders
 - Took Italian govt to ECtHR
 - Provides KRG long-term protection and avenues to redress – use existing hr mechanisms
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Attracting Investment

- The majority of investors are happier if a government is acting with transparency and accountability with its people
- It will be much easier for any investor from the EU, EEA, COE, OECD, US to justify its investment when the principles and treaties are respected

