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**“ There is no such thing as a developed and an under-developed world, there is only a single, badly developed world ”**

## **EDITORIAL**

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It is not easy to summarize in a few pages the intense activities that the CETIM carried on during the first half of the year. Thus, the current issue is primarily focused on those actions dealing with transnational corporations (TNCs).

You will find in this bulletin articles about the third World Day of Action against Chevron as well as about the conference held at the European Parliament by the Global Campaign Dismantle Corporate Power and Stop Impunity in which the CETIM participated.

Several activities carried on by the CETIM within the Human Rights Council are also recounted, such as the denunciation of the murder of the Honduran militant Berta Cáceres in which mining and hydroelectric TNCs are implicated.

During this period the CETIM also brought out four publications. *Transnational corporations' impunity*, published in three languages as part of its human rights series, offers states,

organizations and militants concrete actions that can be undertaken in the fight against the impunity enjoyed by these entities.

*Hold-up sur le climat*, published with GRAIN, highlights the responsibility of agri-food in climate change.

*La passion du schiste: Capitalisme, démocratie, environnement en Argentine* describes the social and environmental consequences of gas and oil extraction by hydraulic fracturing in Argentina. This book will become a tool for reflection and action in the campaigns carried on throughout the world against fracking.

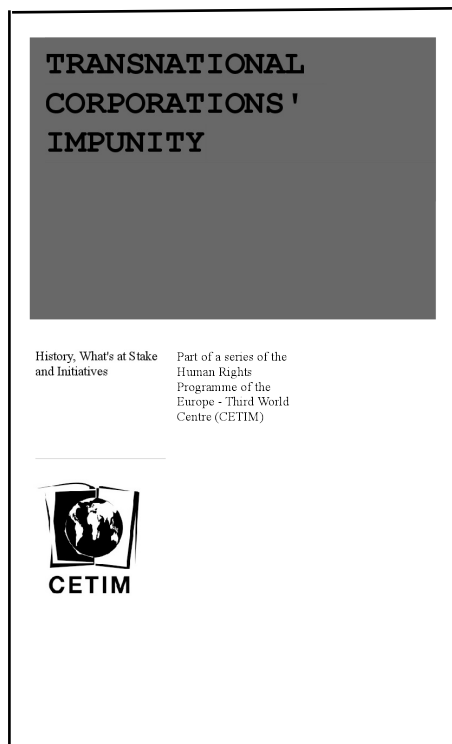
Finally, the series « Pensée d'hier pour demain » has an eighth issue with the publication of a collection of texts by Kwame Nkrumah, introduced by Amzat Boukari-Yabara. The thought of this giant of the African continent, who fought all his life for African unity, remains more than ever relevant.

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## TRANSNATIONAL CORPORATIONS

# A PUBLICATION FOR THE FIGHT AGAINST THE IMPUNITY OF THE MULTINATIONALS

*Multinationals with great economic and political power violate human rights with almost total impunity. The CETIM is bringing out a publication that will demonstrate the necessity and urgency of having a binding international instrument to sanction those multinationals responsible and enable the victims to obtain compensation.*



CETIM Publications  
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2016, 112 pages

Since its founding in 1970, the CETIM, in its role as a research and publication center, has studied the problems posed by transnational corporations (TNCs) in the development of the countries of the Global South, while emphasizing the responsibility of the countries of the Global North for the unjust international order. In its book, *Mal-développement*, published in 1975, the CETIM already drew attention to the nefarious role of “transnational enterprises” in the production of goods having no relation whatever to the elementary needs of the populations concerned, unjust trade and the increase of inequality. Since then, countless violations have been

perpetrated with almost total impunity by certain multinationals. This situation the CETIM denounces in the book *Transnational corporations' impunity* published this month.

The current capitalist system imposes a normative imbalance in favor of the multinationals which are the beneficiaries of an architecture of impunity. This means that these entities very often escape legal action owing to a lack of political will on the part of certain states but also because of a lack of appropriate legal instruments at the international level. Hence, there is

## "A normative imbalance in favor of the multinationals"

particularly outrageous impunity regarding acts committed by private actors such as TNCs.

This situation is the result of the offensive by financial capital and the adoption of a whole panoply of international norms favorable to TNCs (most notably multilateral and bilateral trade and investment agreements) since the 1990s, ignoring human rights. Further, the promotion of these entities to a level of privileged development agents by the promoters of neo-liberal globalization and wide-scale privatization of public services in their favor has reinforced their position to the point where they control the bulk of production and marketing of goods and services at the world-wide level.

In our times, the TNCs have a determining influence over most political and economic decisions. They have also become major actors in human rights violations, in particular violations of economic, social and cultural rights. The CETIM, as a member of the Global Campaign to Dismantle Corporate Power and Stop Impunity, aims to dismantle this structure, known also under the term *Lex Mercatoria* (in keeping with the usage of Juan Hernandez Zubizarreta, a professor of international law and member of the Global Campaign).

## **Binding norms**

The CETIM's book intends, on the one hand, to contribute to the public discussion about TNCs' impunity and, on the other, to give concrete proposals to states, organizations and militants in the fight against this impunity. In fact, the CETIM

has been militating for years for the creation of binding norms enabling the sanctioning of the business enterprises responsible for human rights violations as well as the filing of complaints by their victims. For now, there is no international instrument imposing binding regulations overall on the activities of TNCs. However, states are required to combat human rights violations, without any distinction nor hierarchy among these rights (see Inset N° 1). In this regard, the fight against impunity for human rights violations requires that those responsible be sanctioned and forced to repair the harm done.

## **Catastrophes Caused by Multinationals**

A majority of the catastrophes having dramatic consequences for human beings and the environment, have been caused – directly or indirectly – by TNCs. From the explosion of an agro-chemical factory in Bhopal (India) to the oil pollution in the Ecuadorian Amazon, from child labor in the cacao plantations in Africa to the textile factories of Bangladesh, colossal disasters, with multiple human rights violations are imputable to TNCs and to the greed of their shareholders and directors. The vast majority of victims are waiting for the harm to be repaired and the guilty subject to a sanction proportional to the seriousness of their acts. Will the victims wait in vain? Does the current legal framework correspond to their expectations? If not, how can the impunity enjoyed by the perpetrators of these human rights violations and crimes be ended? It is also these questions that the CETIM publication *Transnational corporations' impunity*, distributed in September 2016, tries to answer.

## **States' Obligations**

Regarding human rights (civil, political, economic, social and cultural), states have three levels of obligation: respect, protect and fulfill.

Besides these three levels of obligation at the national level, states also have obligations at the international level.

Regarding the fulfillment of economic, social and cultural rights, for example, states must cooperate among themselves and demonstrate solidarity with countries that have difficulty honoring their commitments, in keeping with the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights.

Regarding the actions of TNCs, states are required to regulate their activities, (the obligation to protect) so that they do not violate the human rights of the persons under their jurisdiction nor the rights of those of other countries, and, if necessary, provide for sanctions in the event of violations committed by these entities.

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## TRANSNATIONAL CORPORATIONS

# THE CETIM AND THE GLOBAL CAMPAIGN TO DISMANTLE CORPORATE POWER AND STOP IMPUNITY AT THE EUROPEAN PARLIAMENT



*The CETIM spent three days in Brussels for an expert seminar on the subject of multinationals and human rights, in preparation for the second session of the Working Group on transnational corporations and human rights. The last day, a public conference was held at the European Parliament, organized by the parliamentary group European United Left (NGL). The integration of the progressive European parties into the process of the Global Campaign to Dismantle Corporate Power and Stop Impunity (Global Campaign) shows that the front-line for a binding international treaty is widening more and more.*

From 28 to 30 May 2016, the members of the Global Campaign met in Brussels for a working seminar in the context of the process for the adoption of new binding legal norms for transnational corporations (TNCs). The idea was to bring together around the same table all those involved in the process: representatives of the affected communities, activists of social movements, experts and members of civil society. In anticipation of the second session of the Intergovernmental Working Group on Transnational Corporations and Other Business Enterprises with Respect to Human Rights (scheduled for October 2016), this seminar provided a period of concerted effort, to build a coherent vision of the essential aspects of the process. This made it possible for the Global Campaign to define its position with a view to presenting its proposals during the next session of the Working Group.

On 30 May 2016, a public conference was held at the European Parliament, "How to Hold Multinationals Responsible for Human Rights Violations?" It was organized by the left-wing parliamentary group NGL and particularly by the Spanish party Podemos and

the German party Die Linke. Owing to the work of the Global Campaign, the European left-wing group has integrated into its political agenda the fight against transnational corporate power. This constitutes a major step forward that will contribute to reinforcing the process by a voice that will carry the Global Campaign to the European level.

## "reinforce the participation and the commitment"

The purpose of the public conference was to widen and reinforce the participation in, and the commitment to, the Global Campaign by the European members of parliament as well as by national parliaments. Moreover, the event was organized so as to enrich the discussion with new arguments in favor of the

binding treaty, through the mobilization of the MPs of the European left in the development of concrete proposals for the future treaty.

From left to right : Gonzalo Berrón and Brid Brennan (TNI), Helmut Scholz (Die Linke, GUE/NGL), Ambassador Maria-Fernanda Espinosa (diplomatic mission of Ecuador) and Melik Özden (CETIM)

The first panel of the conference focused the discussion on the architecture of global corporate power's impunity, based on the legal framework of free trade and investment. Later, the discussion of the second panel dealt with the road map for the future binding United Nations treaty on TNCs and human rights.

You can watch the video of the conference on the CETIM's website: ([www.cetim.ch/multinational-corporations-cetim-at-the-european-parliament](http://www.cetim.ch/multinational-corporations-cetim-at-the-european-parliament))



From left to right : Gonzalo Berrón and Brid Brennan (TNI), Helmut Scholz (Die Linke, GUE/NGL), Ambassador Maria-Fernanda Espinosa (diplomatic mission of Ecuador) and Melik Özden (CETIM)

Cáceres Vive!

MOBILISATIONS  
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#JusticiaParaBerta #StopTNCimpunity

## TRANSNATIONAL CORPORATIONS

# THE CETIM AT THE UNITED NATIONS IN SUPPORT OF THE RIGHTS OF PEOPLES

*The thirty-first session of the United Nations Human Rights Council took place in March 2016 in Geneva. The CETIM acted as the voice of the peoples and of social movements in the fight for their rights. In fact, one of the CETIM's missions is to denounce human rights violations committed by multinationals and their interference in the free exercise of the right of peoples to self-determination.*

On 3 March 2016, Berta Cáceres, a Honduran environmental activist and indigenous leader of the Lenca people, was murdered in cold blood in her house by paid killers. Leader of the Civic Council of the Peoples' and Indigenous Organizations of Honduras (COPINH), Berta had for years been involved in the fight against mining and hydroelectric projects such as the "Agua Zarca" project, particularly dangerous for the survival of the indigenous Lenca population.

This project was developed in cooperation with German multinationals (Siemens and Voith) as well as European and United States financial institutions such as the Netherlands Development Finance Company (FMO), the Finnish Fund for Industrial Cooperation Ltd. (Finnfund) and the Central American Bank for Economic Integration (CABEI). Berta constantly sounded the alarm about the dangers of free-trade treaties, the multinationals' Trojan horse and the pillar of their impunity.

At the presentation of the joint report of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association and the Special Rapporteur on Extrajudicial and Summary Executions, the CETIM delivered a statement during a plenary session of the Human Rights Council. It denounced Berta's murder, requesting that the Special Rapporteurs act to guarantee justice. Among other things, the CETIM demanded

the halt to all the "development" projects involving human rights violations and which are carried on without prior consultation with the local populations.

The CETIM also demanded a moratorium on the investments of transnational corporations and international financial institutions in these projects, an end of impunity for crimes committed against human rights defenders, and independent inquiries into the murder of Berta Cáceres.



persecuting me, by subjecting me to surveillance and sexual harassment. There have also been campaigns against me in the national media."

Moreover, Berta was subject to protection measures by the Inter-American Commission on Human Rights. Whoever gave the order and committed this murder, the Honduran authorities failures are surely implicated

In 2015, Berta had received death threats from persons involved with the Canadian hydroelectric company Blue Energy, for she opposed the construction of a dam on the Rio Blanco. She had publicly revealed in an interview given to the Spanish press agency EFE: "I have received threats of death, kidnapping, disappearance and lynching. There has been mention of placing a bomb in my car, and my daughter was threatened with kidnapping. They are trying to intimidate me by

## TRANSNATIONAL CORPORATIONS

## THE WORLD-WIDE FIGHT AGAINST CHEVRON

*The third international day of action against Chevron took place in May 2016. On this day, the Union of People Affected by Texaco in Ecuador (UDAPT), with which the CETIM works closely, launched actions to sensitize people about the violations of human rights and of the environment committed by this multinational throughout the world.*



This map highlights the battles fought by more than 30 affected communities, their attorneys and the organizations and militants supporting them.

**M**ultinationales such as Chevron represent a danger for the planet. With no access to justice or compensation, the affected populations will continue to suffer sickness and death.

Their lands, now infertile and contaminated, will be abandoned. Humberto Piaguaje, an indigenous leader and coordinator of the UDAPT, states: "We have only one earth, we are going to live here and die here, we must be conscious of our acts."

On the occasion of the day of international action against Chevron, a new map of the environmental conflicts caused by the oil company was launched on the site

Environmental Justice Atlas ([www.ejatl.org](http://www.ejatl.org)). This map highlights the battles fought by more than 30 affected communities, their attorneys and the organizations and militants supporting them.

The emblematic fight of indigenous communities and peasants of the Ecaudorian Amazon shows how difficult it is to obtain justice and reparation. For 22 years, they have fought in several jurisdictions: in the United states, in Ecuador, in Argentina, in Brazil, in Canada – and even before the International Criminal Court.

However, so far, no national jurisdiction has succeeded in overturning the

ruling of the Ecuadorian supreme court ordering Chevron to pay US\$ 9.5 billion.

This amount is intended to compensate the country for the damage caused in the Ecuadorian Amazon. For Pablo Fajardo, the main attorney of the UDAPT: "The multinationals have the power to make the rules of the game. They enjoy total impunity throughout the word.

They also prevent the establishment of clear rules. Our combat is integrated into the world's judicial systems. They are unjust and ill adapted, but it is within this framework that we must fight."

### THE CANADIAN SUPREME COURT OPENS A BREACH IN FAVOR OF CHEVRON'S VICTIMS

Given that the United States justice system was largely manipulated by Chevron and that Chevron no longer has any assets in Ecuador, the company's victims, with the support of Canadian organizations and lawyers, filed suit in the Ontario Superior Court of Justice in 2013 for the recognition and execution of the Ecuadorian court ruling. Chevron tried to challenge the jurisdiction of the court, which confirmed that the villagers of Ecuador could indeed sue the United States oil company in Canada for the vast case of pollution in the Amazonian forest.

Pablo Fajardo, the Ecuadorian victims' attorney, recalls that in Canada Chevron holds assets worth over \$15 billion and that the execution of the Ecuadorian court order by the Canadian court would allow "the restauration of one of the most important regions for the balance of the world's ecosystem".

# THE CETIM, NERVE CENTER OF THE SOCIAL MOVEMENTS OF THE GLOBAL SOUTH

*In the course of the Human Rights Council's thirty-first session, the CETIM intervened in the discussion of subjects related to its historic role of advocate and nerve center for the social movements of the Global South.*

During the Council's session, which was held in February and March 2016, the CETIM condemned the anti-union repression in Colombia.

The Sindicato de Trabajadores del Sistema Agroalimentario de Colombia (SINALTRAINAL), long-time partner of the CETIM, is particularly affected by this.

It is indisputable that the human rights violations committed by the sector's transnationals remain unpunished most of the time.

The CETIM denounced the situation regarding human rights in Turkey. The ever

greater militarization and political repression of dissident voices have given rise to numerous human rights violations.

The need to establish an international commission of inquiry to shed light on these violations and see that justice is done was emphasized.

The CETIM also denounced the arbitrary detention of Julian Assange (founder of Wikileaks). It requested that the Council guarantee the authority of the Working Group on Arbitrary Detention, whose activities are under attack by Sweden and the United Kingdom.

Further, during the Universal Periodic Review of Australia, the CETIM demanded that this country oversee the activities of its transnational corporation, in keeping with its extra-territorial obligations.

Finally, the CETIM intervened to sound the alarm on the climate of violence that reigns in Madagascar. The populations inhabiting areas rich in natural resources are subject to arbitrary arrests, violence and forced displacements. The CETIM requested an examination of the situation by the Special Rapporteur on Extra-Judicial, Summary or Arbitrary Executions.

## The Conference How to Hold Multinational Corporations Responsible for Human Rights Violation?

Parallel to the Council, the CETIM co-organized a conference to discuss the key elements and challenges inherent in the adoption of binding norms for multinationals. Jean Ziegler (a member of the Council's Advisory Committee), Alfred De Zayas (Independent Expert on the Promotion of a Democratic and Equitable International Order), H. E. Maria Fernanda Espinosa (Permanent Representative of Ecuador to the United Nations Office in Geneva), Alberto Villarreal (FOEI) and Melik Özden (CETIM) participated.

## PUBLICATIONS

### HORS SÉRIE

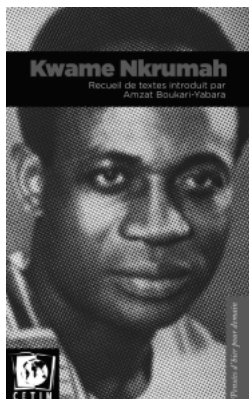
**Hold-up sur le climat. Comment le système alimentaire est responsable du changement climatique et ce que nous pouvons faire**

This book explains how the agro-industrial sector holds a major responsibility for climate change, why, and how it is essential to take into account food sovereignty in any just and permanent solution. It is high time for peoples to take action themselves, as governments, especially those of the most polluting countries, refuse to assume their responsibility to manage this problem. Changing the food production and distribution system is surely the best place to begin.



Price : CHF 12 / € 10  
Co-publication CETIM and GRAIN  
978-2-88053-113-3  
2016, 259 pages

## PUBLICATIONS

PENSÉES D'HIER POUR  
DEMAIN
**Kwame Nkrumah**  
**Recueil de textes introduit par**  
**Amzat Boukari-Yabara**

Born in Nkroful (now Ghana) in 1909, into a family of modest circumstances, Kwame Nkrumah was the first African to lead his country, Ghana, at the time of independence. Having lived in the United States in the 1930s, he had been subject to the discrimination suffered by Blacks and the daily racism of this country.

He thus became a close friend of Afro-American leaders such as Martin

Luther King, junior.

An indefatigable supporter of Pan-Africanism, as an essential element in the fulfillment of African countries' self-determination, and one of the first supporters of liberation movements, Nkrumah nonetheless ranks among the tragic figures of African history.

Whereas the Pan-African militants who continue his work are often presented as utopians, it is indisputable that Africa has not known a more concrete project and a more visionary personality since Kwame Nkrumah, the champion the African cause.

He died in exile in Romania in 1972, but his portrait continues today to be brandished by millions of Africans. This small book presents several of the most pertinent texts by Kwame Nkrumah to be read or reread today, notably on the necessity of African unity, the crucial stakes in Congo, neo-colonialism, "consciencism" and revolutionary war.

## PUBLICETIM


**La passion du schiste:**  
**Capitalisme, démocratie,**  
**environnement en Argentine**

**Collected Texts (OPSur,**  
**Grégory Lassalle, Vincent**  
**Espagne)**

*La passion du schiste* can be read as a saga about the era of fracking, a sort of western set in Argentina's Patagonia. The future seems radiant in this conquest of a new Eldorado.

Price: CHF 15 / € 13  
 PUBLICETIM n°40  
 CETIM Publications  
 978-2-88053-115-7  
 2016, 184 pages

*La passion du schiste* can also be read as a narrative about territorial, political, economic and social transformations set in motion by the gas and petroleum industry in the province of Neuquén, in the Vaca Muerta field.

This unique investigation covers the panorama of the actors involved, their interests and their ways of operating and lays bare the power relationships that poison Argentinian democracy.

Argentina is the second country, after the United States, to develop non-conventional hydrocarbons at the industrial level. At a time when this industry's attempt to conquer other countries is meeting resistance, this book draws attention to this textbook case, lest it become a model.

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