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CETIM

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Centre Europe - Tiers Monde
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CETIM Rue J.-C. Amat 6
1202 Geneva - Switzerland
Tél.: +41(0)22 731 59 63
Fax: +41(0)22 731 91 52
www.cetim.ch
contact@cetim.ch

**“There is not a developed world and
an underdeveloped world
but a single world badly developed.”**

EDITORIAL

Violations committed by transnational corporations know no bounds. Neither does the repression of social movements. As called upon by its partners, at the beginning of the year CETIM brought three cases before the UN bodies: human rights violations and significant environmental damages caused by the Brumadinho dam bursting (Brazil) because of the serious negligence of the multinational corporation Vale; violations of workers' rights by the transnational corporation Shell in Nigeria; unprecedented police violence against the “gilets jaunes” movement in France.

The non-aligned movement is campaigning within the UN for the development of a Convention on the Right to Development so that this right can finally be implemented. In an article, we analyse the implications of this new UN process.

The CETIM book entitled “La Déclaration de l’ONU sur les droits des paysan-ne-s. Outil de lutte pour un avenir commun” was released and was presented at a public conference last March in the presence of its author, Coline Hubert, and representatives of La Vía Campesina, the leading movement for the promotion of the rights of peasants, in a packed house. A video of this event is

available on our website. You will also find an interview with Coline Hubert in this issue. The Spanish and English versions of this book in e-book and PDF format will be released soon.

In its collection “Pensées d’hier pour demain”, CETIM will soon publish a book on Tahar Haddad, a Tunisian thinker, unionist and politician.

Another key topic, the rise of China, soon to be the world's leading economic power but also a key player on the international scene, generates considerable interest, but also fantasies about the nature of its regime and its success. In a very interesting book that we will be presenting in this issue, two economists debate the question of whether this country can be considered capitalist or not.

Finally, as a non-profit association with very limited financial resources, CETIM is always looking for financial support to carry out its activities. A big thank you in advance for any contribution, however modest it may be.

TRANSNATIONAL CORPORATIONS

THE COLLAPSE OF THE BRUMADINHO DAM: ANOTHER CRIME ON THE ACCOUNT OF MULTINATIONAL CORPORATIONS

On 25 January 2019, a new environmental crime occurred: the collapse of the Brumadinho dam, located in the state of Minas Gerais, owned by the multinational corporation VALE. More than 300 people died. Most of them were company employees who were eating in the canteen, the first building affected by the collapse.

This disaster has serious environmental consequences: the mud that was released was full of ore residue. The mud reached the Sao Francisco River, the 2nd longest River in Brazil, on which 14 million people depend. The tests revealed an alarming rate of metal traces (iron and aluminum in particular) in the water and the fish, a main source of food for the local population.

VALE is a multinational company headquartered in Brazil and Switzerland. Its headquarters in Switzerland (Saint-Prex, Canton of Vaud) are mainly used for tax optimisation. In fact, VALE benefits from tax exemption in Switzerland which allows it to deduct more than two thirds of tax profits from the countries where the gains are obtained.

VALE is directly responsible for the poor maintenance of its dams and should be held liable for all criminal consequences that followed the collapse. A German company (TÜV SÜD) carried out a periodic review in 2018 showing that the Brumadinho dam had drainage problems. An engineer from this company assured that TÜV SÜD would have only signed the technical report if VALE had effectively implemented



the recommendations, but he ended up signing the declaration of stability because of the pressure exerted by the multinational corporation. This information proves that the company knew that there were risks. In addition, e-mails exchanged two days before the dam collapse showed that VALE was aware that some sensors were defective.

First-hand accounts show that VALE's mining activities cause environmental damage, do not offer good working conditions and provide no advantage for the host country. VALE, one of the largest multinational ore companies, follows the commercial logic which characterizes the international activities of these economic giants: privatization of profits and socialization of damages.

Finally, this crime demonstrates once again the need to develop a legally binding document, an international treaty, to regulate the activities of multinational corporations, which will allow to sue these companies when involved in human rights violations. It is a practical solution to end impunity and ensure victims' access to justice.

The affected communities of Brumadinho in Geneva

Following yet another crime, CETIM welcomed two representatives of the affected communities of Brumadinho, Movimento dos Atingidos por Barragens, MAB (the Movement of People Affected by Dams), to Geneva. With the support of CETIM, MAB was able to denounce this crime to the UN mechanisms, whilst demanding access to justice for the victims.

CETIM SPEAKS OUT AGAINST THE CRACKDOWN ON YELLOW VESTS IN FRANCE AND THE WORKING CONDITIONS OF WORKERS OF SHELL NIGERIA

In 2019, CETIM spoke several times during the plenary session of the Human Rights Council. In particular, to denounce the crackdown on yellow vests and to call on the Nigerian and Dutch authorities to honour their international commitments on human rights and labour rights.



Yellow vests

In its statement, CETIM asked the French government to immediately put a stop to the repression against demonstrators. They also asked it to honour their international commitments on human rights and labour law.

The "yellow vests" movement is facing the worst flare-up of police violence since the war in Algeria. For example, on December 1, 2018, 7,940 tear gas grenades, 800 sting-ball grenades, 339 GLI-F4-type grenades (explosive ordnance), 776 flash-ball cartridges, etc were fired. According to provisional figures, there were more than a dozen accidental deaths, several thousand wounded, a hundred of which are seriously injured, several hundred people sentenced and/or incarcerated.

The yellow vests movement is the result of previous mobilizations and strikes that are spreading across virtually all sectors (public and private) to protest against the increased flexibility of the labour market. The response of the French authorities is the repression and obstruction of trade union activities. Salary discrimination against trade unionists, unfair dismissal of strikers, pressure under threats or disciplinary sanctions, restrictions on trade union rights or the right to strike, even the criminalization of trade union action ... Not to mention the recent government reforms of the Labour Code which penalize the social movements even more.

Shell Nigeria

CETIM called on the Nigerian and Dutch authorities to honour their international commitments on human rights and labour rights. Shell

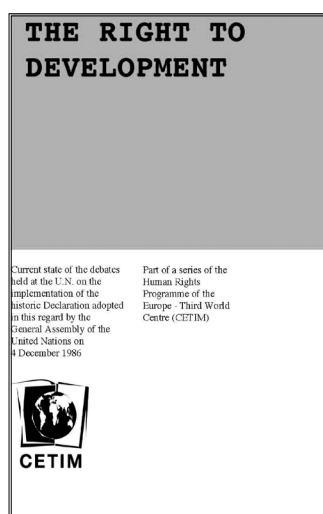
is one of the largest energy companies in the world. Based in the Netherlands, it is listed on the stock market. Civil society organizations have long criticized this corporation for its impact on local communities and the environment, and trade unions around the world blame it for violations of workers' rights. This transnational company is subject to increased scrutiny by regulators in several countries regarding its business relationships and corporate governance practices, as well as a global campaign led by unions to force it to respect labour rights. Shell's history in Nigeria is marked by corruption, the destruction of the environment and the association with human rights atrocities.

You can check the text of the statements in extenso on the CETIM website (www.cetim.ch)

RIGHT TO DEVELOPMENT

WHY A CONVENTION ON THE RIGHT TO DEVELOPMENT?

During its 20th session, held in Geneva from April 29 to May 3, the Intergovernmental Working Group of the UN Human Rights Council discussed the content and scope of the future legally-binding international instrument on the right to development.



HISTORICAL REVIEW

As a reminder, the right to development derives from the Declaration on the Right to Development, adopted by the United Nations General Assembly in 1986, with only one opposing member (United States). Although they later joined the consensus in 1993 at the World Conference on Human Rights held in Vienna, the two expert working groups set up for the implementation of this right were a failure¹. In 1998, the former Human Rights Commission, the precursor to the current Human Rights Council,

decided to establish an open-ended intergovernmental working group to accomplish this task².

Thirty-three years after its adoption, it is clear that the Declaration is still not implemented and that all attempts in the Intergovernmental Working Group to this end have been hampered for twenty years by the Western States. This is why countries of the South, together in the Non-Aligned Movement, have taken the initiative of entrusting the Working Group with the elaboration of "a draft legally binding instrument on the right to development"³.

It should be recalled once more, as we have stated on many occasions, that the concepts of development, development aid or economic growth should not be confused with the right to development⁴.

Position of the States

Continuing their attacks on the multilateral system, the United States left the Human Rights Council last year (June 2018) and no longer participates in the work of the Intergovernmental

Working Group on the Right to Development.

Japan clearly opposed the development of a legally binding international instrument on the right to development, threatening to leave the Working Group.

The European Union, while participating in the work of the Working Group, opposes the Sustainable Development Goals to the right to development.

Made up of more than 120 states, the non-aligned movement mainly includes the countries of the South. It is this movement that advocates, with the notable support of China, the adoption of a legally binding international instrument on the right to development and is the main actor of the Working Group.

The challenges

As mentioned above, for the European Union, the Sustainable Development Goals are preferable to the right to development. What do we mean by this?

1 For further information, please refer to the publication "The Right to Development", Melik Özden, ed. CETIM, Geneva, June 2007, available in three languages (French, English and Spanish) and downloadable free of charge at the following address: www.cetim.ch/product/le-droit-au-developpement/

2 See resolution 1998/72, adopted without a vote on 22 April 1998.

3 See Resolution 39/9 of the Human Rights Council, adopted on 27 September 2018 by 30 votes in favour, 12 against and 5 abstentions.

4 See CETIM Bulletin No. 58, December 2018.



Firstly, presented as the solution to all the ills of society (poverty, famine, discrimination, health, education, etc.), the Sustainable Development Goals are only "Goals". There is therefore no way to compel states to commit to their implementation.

Secondly, the Sustainable Development Goals do not challenge the current economic and trade policies that are at the root of poor development. Indeed, you need only look at the dizzying growth of inequalities in the world. Moreover, year after year, the figures from specialized UN agencies remain alarming: the number of people suffering from hunger and malnutrition is close to one billion; double that do not have access to drinking water and/or adequate housing; 4.5 billion are deprived of "safely managed sanitary facilities"; more than 60% of the 3.3 billion people work in the informal sector and do not have job security ... This shows, if need be, the obvious failure of the development model in place for several decades.

Thirdly, states rely on the private sector (read: transnational corporations) to achieve these goals. Yet the problems posed by most of these entities, motivated solely by immediate and maximum gains, are aplenty. Starting with the lack of respect for human rights, standards on labour and the environment. Furthermore, to maximize profits and avoid prosecution, transnational corporations resort to complex legal

arrangements, making it difficult to trace the chain of accountability. Worse yet, these entities have become a threat to democracy, state sovereignty and the right of peoples to decide their future⁵.

Fourth, it is a safe bet that the Sustainable Development Goals will not be attained much like the Millennium Goals if there is no radical change in neo-liberal policies in force.⁶

Five, so-called "development" aid from the North is linked. In other words, what is given with one hand is taken from the other, without necessarily corresponding to the needs of the populations concerned.

In this context, the right to development, apart from the fact that it is a recognized human right, establishes an alternative approach. Indeed, this right is not limited to the economic field, but also includes social, cultural and political development. Individuals and peoples are both the subject of this right and the central actors in shaping policies and programs for its realization. The right to self-determination and the sovereignty of peoples over their resources and their future, which are essential conditions for the very existence of any community, are at the heart of the right to development.

Prospects

As we have just seen, although at a majority in the United Nations, the non-aligned movement faces opposition from Western states and their allies. The negotiations on this crucial issue are predicted to be tough. There are also real risks that the future binding instrument will be devoid of actual content in the interests of consensus. One might also wonder if this is a good time for such negotiations, given the rise of reactionary political parties and/or governments around the world.

That said, if we consider that the struggle for the rights and the development of peoples is permanent, there is no respite. It is also expected that the adoption of a binding instrument in this area will not only lead States to cooperate in good faith, but also to stop creating obstacles to the right to development by adopting unfair international economic and trade rules.

5 For further information and analysis, see "Impunity of transnational corporations", Melik Özden, ed. CETIM, Geneva, March 2016, available in three languages (French, English and Spanish) and downloadable free of charge at the following address: www.cetim.ch/product/impunite-des-transnational-societies/

6 In this regard, refer to the book "Quel développement ? Quelle coopération internationale ?", Tamara Kunanayakan et al., Co-publication CETIM, CRID, CNCD, Geneva, 2007.

"THE UN DECLARATION ON PEASANT RIGHTS" AS E-BOOK AND PDF

NEW

"The UN Declaration on peasant rights" is the first book of CETIM's Editions available in a digital format. The e-book and PDF in English and Spanish will soon be available on CETIM website.

An e-book is a book published and distributed in digital format, available as files which can be downloaded and stored to read on a screen. CETIM enters the field of digital publishing with Coline Hubert's book, "La Déclaration de l'ONU sur les droits des paysans. Outil de lutte pour un avenir commun" ("The UN Declaration on peasant rights: a tool in the fight for a common future"), which outlines the peasants' long

fight until the UN Declaration on peasant rights was adopted. It will be available in English and Spanish in e-book format. It will also be available as a PDF in the same languages.

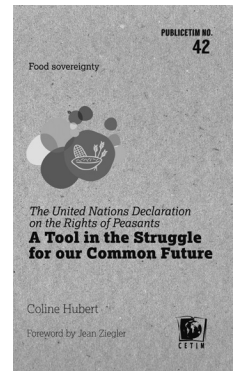
The price will be reasonable; both editions will cost 5 CHF or 4 euros.

The links will soon be available on the CETIM website.

We remind you that the French

version of the book is available as a printed book.

E-mail us at contact@cetim.ch to place your order.



"LA CHINE EST-ELLE CAPITALISTE ?"

By Rémy Herrera and Zhiming Long

Is China a capitalist country? This question is the title of a new release by French and Chinese economists.

Is this title deliberately provocative? It is, but at the same time it overlaps with an increasingly common opinion: even though China was "communist", it might now be "capitalist". Furthermore, it is probably due to this recent transformation that the country underwent such a huge development and was able to earn the title of "the world's leading economy".

According to the authors, however, this is

not the case. Spanning many decades, China's quite remarkable economic and social advancements are a result of methodical strategies, implemented as early as, or even before, the 1949 Revolution in areas already under the control of the CCP and the Red Army.

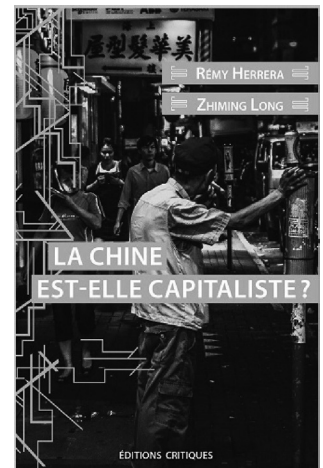
To demonstrate this, the authors rely not only on the country's long history but also on a thorough analysis of both Chinese and international

existing economic statistics. A meticulous work that took years to carry out also conveyed through clear graphs.

Rémy Herrera and Zhiming Long, "La Chine est-elle capitaliste ?" Éditions critiques, Paris, 2019.

ISBN: 979-10-97331-13-9. 204 pages, 16 euros.

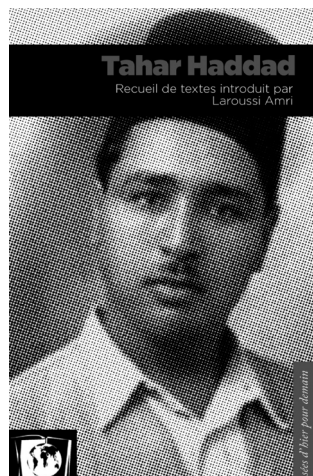
READING NOTE



Interview in French with Rémy Herrera on the book:
<https://www.youtube.com/watch?v=Pu5uY1Ty58A>

One of his lectures on China in French:
<https://vimeo.com/254295775>

FORTHCOMING PUBLICATION



TAHAR HADDAD

A COMPILATION OF TEXTS IN FRENCH INTRODUCED BY LAROUSSE AMRI IN THE CETIM COLLECTION "PENSÉES D'HIER POUR DEMAIN"

Born on 4 December 1899 and deceased on 7 December 1935, Tahar Haddad was a leading Tunisian thinker, trade unionist and political figure. As a long-time trade union activist, he founded the Economic Cooperation Association with Mohamed Ali El Hammi and other trade union members in 1924. They also established the General Confederation of Tunisian Workers. In his book "Les travailleurs tunisiens", from which some

excerpts have been reproduced in this booklet, he outlines some of the struggles and their aims. As an ardent forerunner of feminism, he put forward a brilliant reading of Islam that he embraced himself. He vehemently fought for the evolution of the Tunisian society at the beginning of the 20th century. His most famous book, "Notre femme dans la législation islamique et la société", which was published in 1930 and from which some

excerpts have been equally reproduced, constitutes a turning point in Tunisian society's perception of women and of their situation, at the time. The publication of this book had incurred hostile attacks against Haddad and rejection by the conservative circle of the Zitouna Religious University. Although he was supported by a progressive minority, he was secluded and defamed due to his revolutionizing ideas until his death in exile.

The intense and hostile reaction against his book never seemed to abate, as it has persisted for more than 80 years after his death. In May 2012, during the political turmoil in Tunisia, the media announced that his grave was desecrated.

The book will be available in French in October 2019. You can pre-order it via email:

contact@cetim.ch

Price : CHF 11 / € 8.50
CETIM Editions

CALL FOR DONATIONS

Human rights victims need your support. We appreciate your generosity to help CETIM give voice to the voiceless around the world. We would be grateful if you could donate to the following bank account:

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DIFFERENCE. THANK YOU FOR YOUR GENEROSITY!