
Bulletin N°52

December 2015



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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

Just this once we are appealing to you for your support. For over 45 years, the CETIM has been denouncing the generalized misdevelopment to which the world has been subjected that has resulted in the impoverishment of the majority to the benefit of the enrichment of a minority. And we have been working tirelessly in support of the respect of human rights, of equitable North-South relations and less inequality.

With more than 150 publications to its credit, the CETIM is a publishing house dealing with North-South relations and a full range of development subjects, all from a critical, serious and original point of view generally absent from the mainstream media. These books aim to supply the general public with the tools needed to understand the world and the options for transforming it.

Owing to its consultative status with the ECOSOC, the CETIM is able to support social movements from the Global South in gaining access to the United Nations human rights protection mechanisms and

in participating in the drafting of new international norms in this area. It also carries out regular work with its partners and the general public in purveying reliable and timely information and training in human rights.

However, as recently reported in the Swiss media, the CETIM is in danger owing to the announcement of the end of support from Swiss Cooperation for its United Nations activities with social movements. A last minute solution seems to be in the cards for 2016, but the end of this support is planned for 2017, and this situation is only one more in addition to the CETIM's recurrent problems in assuring the continuity of its work.

We need YOU in order to consolidate our financial support base! By making a donation and becoming a member or by signing up your friends, you can contribute to the continuity and reinforcement of our work in favor of human rights and fair North-South relations. You can find further information on our newly updated website. Do not hesitate to contact us by e-mail or by telephone, or drop by our offices.

DEBT AND AUSTERITY MEASURES IMPOSED ON GREECE VIOLATE THE HUMAN RIGHTS OF THE GREEK PEOPLE AND INTERNATIONAL LAW

Since May, 2010, Greece is subjected by his creditors to painful measures of structural adjustment . The social and economic effects are dramatic. A commission for the truth on the national debt has been created in April, 2015 by the Greek Parliament. The conclusions of his preliminary report are clear: the debt and austerity measures imposed to Greece violate the human rights of the Greek people and the international law, the debt demanded in 2015 in Greece is totally unbearable, and a huge part of this one is illegal, illegitimate and obnoxious and must be rejected.



Despite this predictable setback and the overwhelming victory of the “No” camp in the 5 July 2015 referendum, on 13 July the creditors forced on the Greek Prime Minister a one-sided agreement that prolongs the austerity measures and violates the sovereignty of the Greek State. The creditors’ chief means of exerting pressure has not changed: the Greek Government must submit to their diktat if it is to ob-

Since May 2010, Greece has been in structural adjustment, to obtain loans from the International Monetary Fund (IMF), 14 member States of the eurozone “represented” by the European Commission, and the European Financial Stability Facility (now the European Stability Mechanism), Greece must implement the numerous austerity measures and mass privatisations listed in the memoranda concluded with its creditors in the “Troika” – now renamed “the Institutions” – comprising the European Central Bank, the IMF and the European Commission. The effect of these policies has been dramatic: in less than five years, the country has lost 25% of its GDP, the unemployment rate has tripled to 27% (60% among young people), millions of citizens have been plunged into poverty and public debt has risen, from 120% of GDP to 177% in June 2015. All this despite the fact that the IMF had stated in a confidential document dated March 2010 – i.e., before the first memorandum – that austerity policies would inevitably spell economic and social disaster and cause an explosion of debt.

tain the necessary funding to repay previous debts.

Truth Committee on Public Debt

Anticipating the debt blackmail, the President of the Greek Parliament, Zoe Kostantopoulou, set up the Truth Committee on Public Debt on 4 April 2015. Made up of 30 Greek and international experts, including Cephas Lumina, a former United Nations expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights, and coordinated by Dr. Eric Toussaint, spokesman for the CADTM network, the Committee was mandated to analyse the whole history of Greek indebtedness and to identify what part or proportion of the debt can be defined as illegitimate, illegal, odious, or unsustainable. The Committee submitted its preliminary report on 18 June 2015.

" the debt is illegal, illegitimate and odious"

Its conclusions are clear: the debt claimed from Greece in 2015 is totally unsustainable and much of it is illegal, illegitimate and odious.

To keep this short, we will confine ourselves here to the debts contracted since 2010 under the memoranda imposed by the Troika. They account for 85% of Greece's total debt and arise from the so-called "bailout loan" of 2010 and 2012, whose real purpose was to bail out two dozen Greek and foreign banks (notably French, German and Dutch) which had speculated on Greek debt. The Committee report shows that over 80% of the €240 billion lent to Greece under the two memoranda of 2010 and 2012 never even got to Greece but were shared out as direct repayments to these few big private banks. Thus these illegitimate and odious loans shielded the banks from the fallout from the bursting of the private credit bubble that they had themselves created (see chapters 1 and 2 of the report).

Violations of greek legislation and international laws

The loans from the Troika are also illegal, because they are conditional on specific austerity measures (the memoranda) that directly violate Greek, European and international law. Chapter 6 of the report establishes a direct link between the creditors' demands and multiple violations of human rights. These violations are not collateral damage from recommendations of a general nature. As shown in the report, they are a predictable outcome, and one in some cases deliberately sought by the creditors with the connivance of the Greek authorities, thereby making the debt illegal, illegitimate and odious. In evidence of this, the report lists the basic human rights (rights to work, health, education, housing, social security, self-determination and justice, as well as the rights to freedom of expression and protection from discrimination) that have been directly violated by the specific measures contained in the memoranda, and explains, for each of these areas, the impact of the measures and the various national, European and international instruments violated.

Two of the instruments violated are the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the Charter of the United Nations. All the creditor States are parties to the ICESCR and the Charter. Chapter 7 of the report recalls that the obligations under the ICESCR are binding on every State outside the national territory, as confirmed by the Committee on Economic, Social and Cultural Rights.⁵ All States must also prevent any non-State actor whose conduct the State is in a position to influence from impairing the enjoyment of such rights. This is relevant, in particular for the eurozone member States as lenders through the Institutions.



Alfred de Zayas, independent Expert on the promotion of a democratic and equitable international order, at a CETIM's public conference on the greek public debt.

As for the IMF, as an international organisation it is bound by any obligations incumbent on it under general rules of international law, under its constitution or under international agreements to which it is party.⁶ The IMF is required to refrain from steps that would undermine the possibility of a borrowing State complying with its own national and international human rights obligations, as stated in the United Nations Guiding principles on foreign debt and human rights: "International financial organizations and private corporations have an obligation to respect international human rights. This implies a duty to refrain from formulating, adopting, funding and implementing policies and programmes which directly or indirectly contravene the enjoyment of human rights." In addition, the IMF, as a specialised agency of the United Nations, is bound by the general aims and principles of the United Nations Charter, including respect for human rights and fundamental freedoms.

Steps to break the deadlock:

Given the multiple human rights violations identified in this audit, the Human Rights Council should urge Greece and its creditor States and institutions to take the following steps:

(a) Halt the austerity measures in order to comply with their own international commitments such as the ICESCR and the Charter of the United Nations.



(b) Immediately suspend payment of Greece's debt, which is clearly unsustainable, in order to give priority to respect for human rights. Greece is now unable to repay its debt without seriously compromising its ability to fulfil its basic human rights obligations. Human rights, we wish to recall, prevail over other State obligations such as obligations to creditors, under Article 103 of the Charter of the United Nations. In this respect, Greece could legally use the argument of necessity as recommended in chapter 9 of the report of the Audit Commission. According to article 25 of the draft articles on Responsibility of States for internationally wrongful acts, adopted by the International Law Commission of the United Nations,¹⁰ the term "necessity" is used to denote those exceptional cases where the only way a State can safeguard an essential interest threatened by a grave and imminent peril is, for the time being, not to perform some other international obligation of lesser weight or urgency. Given the economic, social and humanitarian crisis in Greece, the conditions for invoking the state of necessity are met.

(c) Unconditionally cancel illegal, illegitimate and odious debt, as identified in the report. Greece could legally take a unilateral act of repudiation. Such a decision is justified by peremptory considerations of justice and equity, but is also founded on sovereignty and self-determination. This is the case where there is an absence of good faith, based on article 26 of the Vienna Convention on the Law of Treaties, which provides that treaties are binding on the parties and must be performed in good faith. The bad faith of the creditors consisted in rendering Greece financially subservient and imposing measures affecting the fundamental rights of the Greek people, in violation of national, European and

"80% of the loans never even got to Greece"

international law. Bad faith was also evident in the ultimate goal of the creditors, which was not to help the Greek people but rather, among other things, to transform private debt into public debt and thus save the big private banks.

Moreover, the pressure placed on the Greek authorities since 2010 is a form of coercion: when a State is forcibly made to violate its human rights obligations in order to obtain loans, and especially when compelled to surrender great swaths of its legislative and socio-economic sovereignty, it is considered to have given consent under coercion. Such coercion is itself a ground for invalidity, under article 52 of the Vienna Convention on the Law of Treaties. Coercion has also taken the form of the imposition of stringent and illegal conditionalities, together with interference in the democratic process in Greece (e.g., by repeated threats of exclusion from the eurozone). This type of economic coercion can also be characterised as unlawful intervention in the internal affairs of a State, which, although it does not vitiate consent, may nevertheless be grounds for denunciation of a treaty or an obligation under that treaty (such as payment of debts), under article 56, paragraph 1 (b), of the Vienna Convention on the Law of Treaties.

Lastly, the fact that creditors have committed internationally wrongful acts, imposing on the Greek Government several measures that violate fundamental rights, justifies Greece taking counter-measures on the basis of customary international law and articles 49 ff of the draft articles on Responsibility of States for internationally wrongful acts. As discussed in chapter 9 of the report, when a country becomes the target of actions that are known to harm its economy (especially to the benefit of its lenders) and the livelihood of its people, it may resort to lawful countermeasures. Greece is therefore entitled to pertinent countermeasures, notably by repudiating debts to the Troika.

The Human Rights Council could also ask the International Court of Justice (ICJ) to give an opinion on the compatibility of agreements concluded between Greece and its creditors with public international law.



TRANSNATIONAL CORPORATIONS

THE COLOMBIAN STATE WILL HAVE TO ANSWER TO THE UNITED NATIONS FOR VIOLENCE AGAINST TRADE UNIONS

On 9 September 2015 the CETIM submitted to the Human Rights Committee of the United Nations a complaint against the Colombian State for repeated human rights violations and the killing of Adolfo Múnera López, an employee of Coca Cola and member of Sinaltrainal, one of the unions targeted in a violent onslaught against Colombia's trade unions in which at least 2,863 unionists were murdered up to 2011.



ADOLFO MÚNERA LÓPEZ

- Employee of Coca Cola
- Trade union leader of SINALTRAINAL
- MURDERED on 31 August 2002 in Colombia



The complaint seeks condemnation of the Colombian State for failing to meet its obligations under the International Covenant on Civil and Political Rights. According to the complaint, the Colombian State has direct responsibility for the persecution and murder of Adolfo Múnera, and also indirect responsibility, insofar as it failed in its obligation to protect his life and personal integrity. Likewise, the Colombian State is accused of failing to guarantee the family's access to an effective remedy in justice that would make it possible to clarify the motives for the murder and identify those responsible.

Sinaltrainal and family

members who, as victims, are parties in the case are requesting the Colombian State to conduct investigations within a reasonable time and as required to establish the truth of the facts, and to investigate, prosecute and punish those responsible for the murder of Adolfo Múnera. They are also asking the Human Rights Committee to order the Colombian State to take measures to ensure full reparation for the victims, reconstruction of memory and the widest possible publicization of the life and work of Adolfo Múnera.

Adolfo Múnera was a worker at Coca Cola from the mid-80s, and because of his perseverance became a pro-

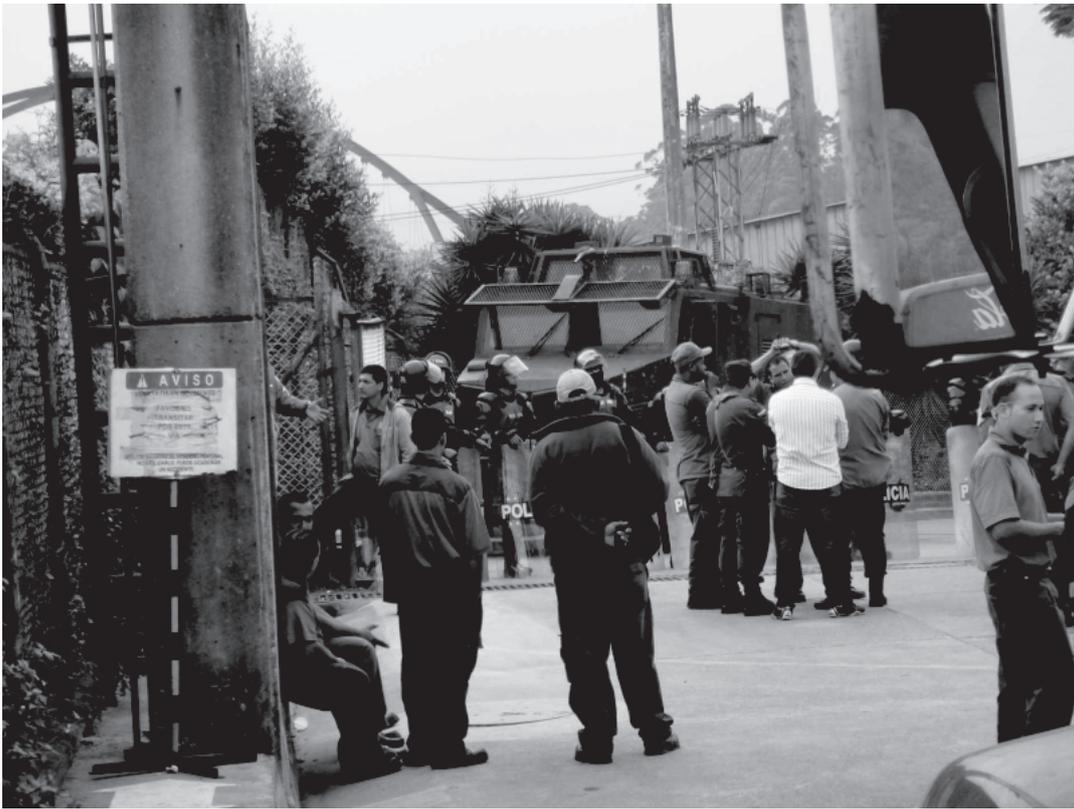
minent leader of Sinaltrainal, well-liked and respected by his colleagues, who remember him for his charisma, self-discipline and capacity for hard work. In 1995 he took a leading role in the all-out strike in the Coca Cola bottling plants in three of Colombia's major cities, which lasted nearly a month and is still remembered today as one of the biggest actions in defence of labour rights ever launched against Coca Cola in Colombia. As a result of the strike Coca Cola was forced to sign a new collective agreement with its workers.

Adolfo Múnera played a major role in the strike, as a spokesperson and one of the coordinators of the Coca Cola

workers' movement. In recognition of this work, in January 1997 the General Assembly of the Atlantic Branch of Sinaltrainal elected him Education Officer at the Branch office.

Unfortunately, his outstanding leadership was to make him the target of several attacks on his life, the first of which - and perhaps the one that set him on the path to his untimely end - occurred only two months after being elec-

"the Colombian state has direct responsibility"



ted a union official, when the Attorney General's Office decided to take criminal proceedings against him in March 1997.

"the threats became a permanent feature"

Family members and Sinaltrainal officials tell how, that month, police officers, led by Coca Cola executives, came to Adolfo Múnera's home, produced a warrant from a prosecutor and conducted a search. Subsequently the prosecutor's office issued an arrest warrant against him and, faced with the prospect of immediate – and in his view unjustified – detention, Adolfo Múnera requested leave of absence from work and left town. The company refused to grant him leave, however, and took the opportunity to unfairly dismiss him.

On 28 September 1999, the prosecutor in the case dropped the criminal investigation against Adolfo Múnera for the offence of rebellion and confirmed his innocence. However the damage had been done and the declaration of innocence did nothing to make Adolfo's life any easier. The Colombian Government had created an atmosphere of anxiety: he had been stigmatized by the house search and the criminal investigation against him, and subsequently blacklisted, and there had been media reports accusing him of being a member of a guerrilla group – and as a result the threats against him became a permanent feature of his life.

As Adolfo Múnera was being subjected to this biased and unfair investigation, on 15 August 1998 the directors of Panamco, Coca Cola's bottler in Colombia, met with an envoy of the paramilitary leader Carlos Castaño. The meeting took place because paramili-

taries in the Magdalena Medio region had held up the distribution of Coca Cola for four months on the orders of paramilitary leader Ramón Isaza. Though no one knows what was said at the meeting, afterwards Carlos Castaño, the overall head of the paramilitary group, told his deputy Ramón Isaza in public, "Ramón, we cannot turn ourselves into mercenaries against the multinationals. Our target is the guerrillas."

After this meeting paramilitary action against Sinaltrainal was stepped up. Between then and 2004, nine unionized Coca Cola workers were killed, 38 workers were forced to flee their home towns, 67 received death threats, as did their families, and some were even kidnapped, protest demonstrations were attacked and several union offices were raided, dynamited and burned down.

When the proceedings against him were dropped in 1999, Adolfo Múnera returned

to his home town of Barranquilla. He began trying to get his job back at the Coca Cola bottling plant and became active in Sinaltrainal, in an attempt to rebuild his life. However, the threats against him increased. Several times he asked the local and national authorities for protection, but this was never granted or at least the necessary measures were not taken and as a result he was murdered in Barranquilla on 31 August 2002.

"protection never granted"

A few weeks before his assassination the Colombian Constitutional Court (the highest court in the land and the final instance in any judicial proceedings) announced that it had admitted a legal action brought by Adolfo Múnera for reinstatement with Coca Cola, an objective he never saw realized; in March 2003 a ruling was issued finding his dismissal unlawful and ordering his immediate reinstatement by Coca Cola, but by that time he had already been killed.

The abuses against Adolfo Múnera did not stop with his murder. The State continued to fail in its duty, this time its duty to investigate and determine the truth of what happened. Though the perpetrator of the actual murder was convicted, no action was taken against those who benefited from the union leader's death and those who masterminded the killing were never identified. The judicial authorities did little to



"no investigation into the involvement of paramilitary groups and Coca Cola"

further the investigations and expose the systematic violence against Sinaltrainal union leaders, particularly those who worked for Coca Cola. Thus, although in this case a person was sentenced

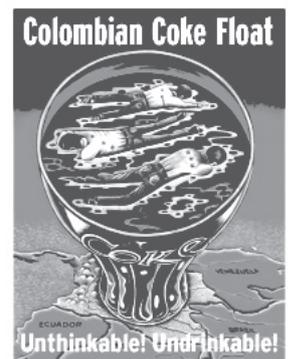
as the perpetrator of the murder of Adolfo Múnera, there was no inquiry into who might have been behind it. In particular there was never any investigation into the possible involvement of paramilitary groups or those groups' relationship with Coca Cola. Adolfo Múnera's family, Sinaltrainal and CETIM hope that this case will lead the

United Nations system to keep a closer eye on Colombia, particularly at a time when part of its armed conflict may be coming to an end, which should pave the way for clarification of crimes and the ad-

ministration of justice in serious human rights violations and violations of international humanitarian law, notably in cases where transnational corporations may have been involved in financing and guiding the actions of armed groups operating outside the law. In this context, the case of Adolfo Múnera is an opportunity to make the Colombian State face up to its obligation to thoroughly investigate the roles played by companies, the security forces and paramilitary groups in anti-union violence, as a contribution to truth and non-recurrence of such

incidents.

"Sinaltrainal demands to have truth, justice, complete reparation and guarantees of no reoccurrence, and hopes that these crimes will be recognized as crimes against humanity, being planned and systematic crimes of state terrorism, that responsibility of the executives of the multinational Coca-Cola will be established, that it be obliged to adopt behavior respectful of the right to association and to cease the persecution of Sinaltrainal members, that the right to full collective negotiation, direct and indefinite hiring of all workers, as well as the eliminated labour rights will be re-established, and that the life and integrity of the labour union members and their families will be protected," explained Javier Correa, Sinaltrainal secretary for political and human rights issues.



SINALTRAINAL

SINALTRAINAL represents workers in Colombia's food industry, including workers in Nestlé and Coca-Cola. CETIM has worked with Sinaltrainal for many years and helps it gain access to the United Nations human rights protection mechanisms in Geneva. A written statement on Coca Cola in Colombia was submitted to the Human Rights Council in June 2014 (see A/HRC/26/NGO/96) and following a new intervention by CETIM, the United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association and the United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions called Colombia to account for attacks on Sinaltrainal, in December 2014.

PUBLICATIONS

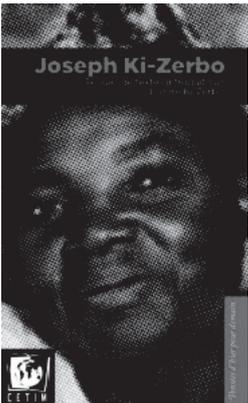
PENSÉES D'HIER POUR DEMAIN

Africa and Caribbean Serie

This collection of the CETIM offers to the public, the young public in particular, short collections of writings from various actors who, in the past, were at the heart of peoples' struggles for emancipation and whose thinking, today, is still of the greatest importance.

The first issues were on Patrice Lumumba, Frantz Fanon, Amilcar Cabral, Thomas Sankara, Julius Nyerere and Mehdi Ben Barka. We present below the last issue.

Joseph Ki-Zerbo collected texts introduced by Lazare Ki-Zerbo



Born in Toma (Burkina Faso) in 1922, Joseph Ki-Zerbo became, in 1956, the first African agrégé history teacher in France. One of the great thinkers of contemporary Africa, using his knowledge as an arm, he is one of the first home-grown African intellectuals to write a history of this continent, until then falsified by colonial ideology. A convinced pan- Africanist, he was a close companion, both in action and through inspiration, of Sékou Touré, Kwame Nkrumah, Patrice Lumumba, Ahmed Ben Bella and Julius Nyerere. In the context of the struggle against impunity that developed after the assassination of the journalist Norbert Zongo on 13 December 1998, he initiated the rallying cry taken up today by all young Africans committed to democracy and social justice: "If we lie down, we are dead!" In the Dioula language: "N'an laara an saara!". He died in 2006.

This modest book presents several of Joseph Ki-Zerbo's writings that are among the most relevant and worth reading today, in particular on endogenous African development, on the role of intellectuals, peasants and workers in this project, on the importance of culture in the liberation process and on the dependence of Africa, which, after legal independence, endures more than ever within the framework of neoliberal globalization.

Price: CHF 11- / €8.50
95 p.
CETIM publisher, 2015
ISBN 978-2-88053-112-6
Only available in french

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WHO ARE WE?

The CETIM is a research and publication center devoted to North-South relations and an organization active at the UN defending and promoting economic, social and cultural rights, and the right to development. It serves as a clearing house for analysis and proposals of social movements of the Global South and North.

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