

## THE CETIM ADVISES YOU THE FOLLOWING READINGS

### Protection sociale au Sud : les défis d'un nouvel élan

Collective work

While social protection systems in Europe pay the price of current political responses to the crisis that started in 2008, there has been an opposite trend in the Global South, where a large number of governments have chosen to soften the effects of the economic slowdown by accelerating the setting up of social coverage, or extending it.

Inspired by pioneering experiences in Brazil and South Africa, the objective of most of these programmes is the transfer of modest allocations to the poorest households, most of which are excluded from the formal job market. The reduction in extreme poverty is undeniable in the regions concerned, but coverage worldwide remains limited – 75% of the world's people today have no access to basic social protection.

Prompted by the expected failure of the Millennium Development Goals, a coalition of international cooperation agencies are planning to support the movement and extend social protection to the poorest regions of the world. The initiative is to be welcomed. But there are diverse agendas. For some, it is clearly a question of redistributive mechanisms, with the aim of extending social rights. The interest of other players is more suspect. They see the issue, above all, in terms of productive investment in “human capital”, an affordable measure in the management of “social risk” linked to what they see as the inevitable liberalization of economies.

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## PENSÉES D'HIER POUR DEMAIN COLLECTION

*This collection from the CETIM proposes to offer 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.*

### Thomas Sankara Collected texts with an introduction by Bruno Jaffré.

Born in Upper Volta (Burkina Faso) in 1949, Thomas Sankara first embarked on a military career, while striving to stay in touch with was the reality of life of his people.

He rose to power in his country, changing its name to Burkina Faso (“the country of men of integrity”), in 1983, following an uprising of young officers, in alliance with clandestine Marxist groups. He went on to lead a “democratic and popular” revolution until his assassination in 1987. He put an end to corruption, and experimented with a new model based on autonomous development, with the improvement of his people's living conditions as the major objective. Prematurely interrupted, the revolution nevertheless achieved a number of successes thanks in part to the charisma and vision of Thomas Sankara, but also to the confidence and pride which, through his commitment, he managed to instill in his people.

Internationally recognized for giving voice to the oppressed, Thomas Sankara is one of the best known African revolutionary leaders. He continues to inspire progressive movements in Africa and the rest of the world.

This short volume includes some of the most important speeches given by Thomas Sankara, notably on the question of debt, the emancipation of women, people's revolutionary tribunals, environmental protection, liberation of the people of Burkina Faso, and autonomous development.

Price: CHF 11 / € 8,50, 96 pages, ISBN: 978-2-88053-104-1, 2014. Expected in June 2014. Can be ordered from the CETIM.

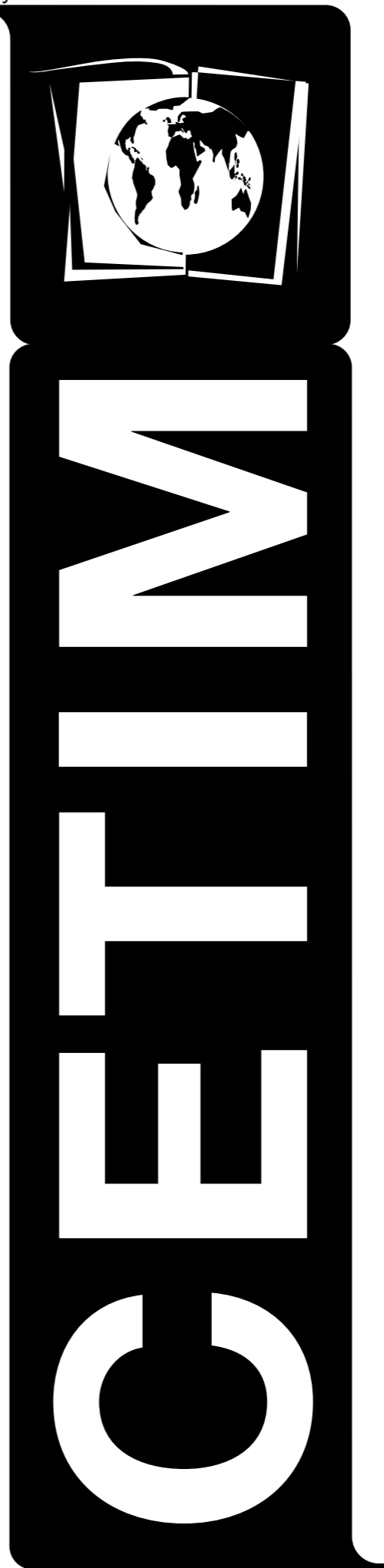
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## EDITORIAL

Victims and their lawyers charged by a transnational corporation (TNC) with defamation and belonging to a criminal organization. A judge who owns shares in this TNC. The lawyers of the victims who, behind their back, sign a settlement with the TNC agreeing to pay \$15 million in exchange for the dropping of the charges against them. These are a few of the most recent twists and turns in the long quest for justice in the United States by the Ecuadorean Amazon populations affected by the operations of the oil company Chevron.

In 26 years of petroleum operations in the Ecuadorean Amazon, Chevron polluted more than 450,000 hectares of one of the planet's richest biodiversity regions, destroying the conditions of life and subsistence of its inhabitants, causing the death of hundreds of persons and a brutal increase in the rate of cancer and other serious health problems. It is estimated that more than 60 billion liters of toxic water were released into the rivers, 880 holding ditches for hydrocarbon waste were created, and 6.65 billion cubic meters of natural gas were burned in the open air.

In November 2013, Ecuador's highest judicial body ruled in favor of the 30,000 plaintiffs and confirmed on appeal the judgment against the United States company, ordering it to pay \$ 9.5 billion in damages. But Chevron refuses to pay. It has liquidated its assets in Ecuador and used every means available to it to discredit the Ecuadorean justice system and the plaintiffs. And the judicial system of the United States, where Chevron is headquartered, refuses – for the time being at least – to hear the case.

On 21 May 2014, Chevron shareholders held their general assembly far from the public eye, in a small town deep in the heart of Texas. Demonstrations of solidarity with the victims took place simultaneously in several countries, and in Geneva in particular. At the four corners of the world, the populations affected by Chevron's activities are mobilizing to obtain justice and reparation. They have drafted a joint declaration that we are reprinting in this bulletin, and we invite you to have it signed by your organization and within your network.

This case, more than any other, illustrates the impunity of TNCs and the difficulty of holding them responsible for their actions outside their home countries!

## STATEMENT OF THE PEOPLES VICTIMS OF CHEVRON

We present below the Declaration of the peoples victims of Chevron's practices around the world. We invite you to have it signed by your organization and within your network, and return it to the CETIM. You can also sign it online at [www.antichevron.com](http://www.antichevron.com) or return the declaration to [info@antichevron.com](mailto:info@antichevron.com).

We take this opportunity to inform you that two representatives of the populations affected by Chevron in Ecuador will be present in Geneva from 23 to 27 June 2014 to participate in a week of mobilization on transnational corporations and several public events. We will keep you informed about it (see also "TNCs: things are moving at the UN!").

### GLOBAL DECLARATION OF THE VICTIMS OF THE PRACTICES OF THE TRANSNATIONAL OIL COMPANY CHEVRON

The Union of People Affected by Chevron-Texaco's Oil Operations, **Ecuador**; The Neuquén Mapuche Confederation, **Argentina**; Richmond Progressive Alliance, Asian Pacific Environmental Network and Gayle McLaughlin – Richmond City Mayor, **California - USA**; Environmental Rights Action/Friends of the Earth Nigeria y Kebetkache Women Development and Resource Centre, **Nigeria**; The Communities of the Vaslui Region, **Romania**.

#### CONSIDERING:

That all of our territories have been abused by this oil company and we have witnessed the devastation of nature due to irresponsible operations, suffered the death and sickness of our people, have had our personal and group rights violated, and we have even been labeled as criminals for raising our voices in protest.

That, historically, Chevron's greed and thirst for profits has prevailed over public safety, civil rights, and respect for nature. Recently, Chevron has implemented a series of measures to systematically avoid responsibility, by which the company extracts, pollutes, injures, and profits, yet never answers for its actions.

That, in countries like Argentina and Romania,

Chevron has spearheaded the exploration of unconventional oil and gas deposits through the use of fracking, a much-criticized and controversial technology that exacerbates the possibility of contamination of our territories and sources of ground water. Chevron has promoted the exploitation of these mineral sites by aligning itself with governments that have suppressed valid protests by the people, violating our collective rights.

That Chevron's annual Shareholders meeting, where executives report on the financial situation of the company and its apparent success (which is a product of its systematic irresponsibility), will take place in the middle of the Texas desert, where there will be no community presence, activists, press, nor anyone negatively affected by Chevron's wealth and power. Chevron intends to hide there, where only its CEO, John Watson, may exercise his right to speak.

That we are hundreds of thousands of people affected by Chevron in Ecuador, Nigeria, the United States, Argentina, Romania, and many other countries. Our numbers continue to grow every day, thanks to a company modus operandi that systematically violates the rights of people and nature where it operates. Chevron's refusal to justly remediate these territories is an attitude that constitutes a violation in and of itself.

#### WE COME TOGETHER IN ONE VOICE AND DECLARE:

We reject Chevron Corporation's abusive and irresponsible practices around the world.

In particular, we reject its practices of:

- Putting its economic interests above the rights of people and nature;
- Devastating hundreds of thousands of hectares of land and sea for its irresponsible and greedy operations;
- Deliberately contaminating water sources,

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## RIGHT TO FOOD: O. DE SCHUTTER HANDS OVER THE BATON

Mr. Olivier De Schutter presented to the Human Rights Council in March his last report as Special Rapporteur on the right to food. Ms. Hilal Elver (Turkey) has been nominated to replace him as holder of this mandate. We reproduce below the oral statement presented by the CETIM, jointly with the FIMARC, to pay tribute to his work and commitment in favor of the right to food and the rights of peasants.

Statement of the CETIM at the Human Rights Council, March 2014

Mr Chairman,

The CETIM and the FIMARC (International Federation of Rural Adult Catholic Movements) would first like to pay tribute to Mr Olivier De Schutter for his contributions to the implementation of the right to food. During the six years of his mandate, Mr De Schutter has studied various aspects of the right to food, ranging from methods and conditions of production to marketing of food products, and has made significant recommendations that constitute a sort of road map for governments in the worldwide fight against hunger and malnutrition.

He has also demonstrated the irreplaceable role of small-scale and family agriculture in the fulfillment of the right to food and has defended the necessity of adopting a Declaration on the rights of peasants. He further attracted the attention of governments and other actors on the dangers for the right to food and food supply arising from certain policies currently being implemented. In this regard, one can mention biofuel production, GMOs, the manipulation of the right to intellectual property by transnational seeds corporations and the wide-scale land grab.

In spite of the solemn commitment of states in favor of the right to food and in favor of biodiversity, we note, unfortunately, no fundamental change in agricultural policies, nor any in the area of food production. In fact, the agrarian reform, enshrined in the International Covenant on Economic, Social

and Cultural Rights is still not on the agenda of most countries.

On the contrary, we see, on a world-wide scale, the concentration of fertile land in the hands of a small minority. Transnational corporations' monopoly of the food chain is being more and more reinforced. Production of biofuels is being presented as an alternative fossil fuel energy whereas their damage to the environment and to the right to food need no further proof. The destruction and prohibition of traditional seed threatens the very survival of humanity. There is a crying lack of support for family producers while subsidies are granted to industrial entities that, owing to the way they produce, destroy not only the environment but also local markets. The forced displacement of peasants and working conditions, bordering on slavery, for agricultural workers are still current. Stock market speculation on food products continues and is becoming generalized... The list is long indeed.

Mr Chairman,

The CETIM and the FIMARC have long been engaged in the promotion and protection of the right to food. We are also engaged in the defense of peasant and family agriculture. Today, this peasantry is threatened with extinction, yet it feeds the world and guarantees the alternative and sustainable development model.

The United Nations General Assembly has proclaimed 2014 as the International Year of Family Farming. The Human Rights Council last year began negotiations on a draft Declaration on the Rights of Peasants. The adoption of this text is a significant step in the recognition of family peasants and constitutes a rampart against the human rights violations to which this extremely vulnerable group is subjected. Thus, we call upon all states to support this process. Thank you.

**THIS BULLETIN IS ALSO AVAILABLE IN FRENCH AND IN SPANISH**

## TRANSNATIONAL CORPORATIONS: THINGS ARE MOVING AT THE UN!

An initiative of the Ecuadorean and South African governments, supported by 85 countries, signals a return to the Human Rights Council agenda of the issue of control of TNCs' activities (and their impacts on human rights) through a legally binding international instrument. A resolution should be presented in June this year to create an intergovernmental working group entrusted with the drafting of binding norms.

**A Long Journey.** The CETIM was deeply involved in this issue, together with the American Association of Jurists (AAJ), among others, at the former Commission on Human Rights (predecessor of the Human Rights Council). Our two organizations had in particular contributed to the 1998 setting up of a working group on transnational corporations (TNCs) within the Sub-Commission for the Promotion and Protection of Human Rights (the Commission's body of independent experts), and they were actively involved in its work. This process resulted in the development and adoption by consensus at the Sub-Commission in 2003 of draft Norms on the Responsibilities of TNCs and Other Business Enterprises with Regard to Human Rights.

Unfortunately, those draft binding norms were killed at the Commission on Human Rights in 2005 and instead a Special Representative of the Secretary General on TNCs was named, John Ruggie, with a very limited mandate.

In June 2011, at the end of his mandate, Mr. Ruggie presented to the Human Rights Council his Guiding Principles on Business and Human Rights. These principles are voluntary and their enforcement relies on the good will of the TNCs.

The Human Rights Council adopted these principles by consensus and decided to create a working group, essentially with the mandate of promoting them. An annual forum was also established. It held its first session in December 2012 and makes possible a direct participation of TNCs and other business enterprises. The TNCs now use it as a showcase to promote their "good practices" regarding human rights.

Throughout all these years, the CETIM has de-

nounced this farce and has demonstrated, through the presentation of a number of cases and studies to the Human Rights Council, the inability of voluntary codes of conduct to ensure an effective control of TNCs and access to justice for the victims of their activities.

**85 Countries Favor a Binding Instrument.** In September 2013, Ecuador presented to the Human Rights Council, on behalf of a group of 85 countries (African group, Arab Group, Pakistan, Sri Lanka, Kirghistan, Cuba, Nicaragua, Bolivia, Venezuela and Peru), a statement supporting a legally binding instrument. These states affirmed among other things that "the increasing number of human rights violations and abuses by some transnational corporations reminds us of the necessity of moving forward toward a legally binding framework to regulate the work of transnational corporations and to provide appropriate protection, justice and remedy to the victims". The statement recognizes that the adoption of the Guiding Principles by the Human Rights Council in June 2011 "was a first step, but without a legally binding instrument, it will remain only as such: a first step without further consequences". Hundreds of civil society organizations have supported this initiative at the Human Rights Council. The campaign for binding international norms for TNCs is again alive and well!

A resolution should be presented by Ecuador and South Africa in June 2014 to create an intergovernmental working group with the mandate of developing and adopting a binding international instrument to control the activities of TNCs and their impacts on human rights.

**Paving the Way for a Legally Binding Instrument.** On 11-12 March 2013, during the Human Rights Council session, these two countries organized a workshop entitled "Human Rights and Transnational Corporations: Paving the Way for a Legally Binding Instrument".

Brent Wilton, General Secretary of the International Organization of Employers, was alone in stating that "the Guiding Principles have been very effective in sensitizing business to the need to respect human rights" and that "most businesses are complying with human rights and national laws". The great majority of the speakers, indeed, supported a new binding instrument.

Martin Khor, Director of the South Center, started by recalling that, as dominant players in the world economy, "TNCs have a huge impact on human rights" and that "beyond individual cases, TNCs



have also a systemic impact".

Mr. Khor highlighted the "asymmetry in the international system": "TNCs have rights backed up by hard laws (treaties, free trade treaties, bilateral investment treaties etc.) and strong enforcement mechanisms; they can sue states even beyond national jurisdictions; but their obligations are backed up only by soft laws, codes of conduct and voluntary guidelines, deprived of any enforcement mechanism".

He underscored that it is above all weak and poor states that suffer from this situation. "Only powerful states are able to regulate, control the activities of TNCs and hold them responsible for the damages they have done, but most states are not able to do so."

John Knox, United Nations Independent Expert on Human Rights and the Environment, recognized that there is a gap in the human rights system and that a treaty would help clarify the extraterritorial obligations of states regarding the acts of "their" TNCs in others countries.

Alfred de Zayas, Independent Expert of the United Nations on the Promotion of a Democratic and Equitable International Order, regretted that "too often soft laws and non-binding declarations are pious words, constituting no more than lip-service to human rights and no real progress is ever achieved". He noted that "an equitable international order needed the Guiding Principles half a century ago, and that the time has now come to move forward with these principles so as to give them greater legal force".

Finally, Cephias Lumina, Independent Expert of the United Nations on External Debt and Human Rights, suggested that the experience we had with the financial crisis demonstrate that we cannot rely on business to self-regulate. "Yet, the Guiding Principles are based on this idea of self-regulation, with no sanctions in case of non-compliance. And that is precisely the reason why they have been embraced by TNCs".

**Mobilization of Civil Society and Social Movements.** A resolution should therefore be presented to the Human Rights Council in June. We already know that most of the western states will oppose it. And the support of the 85 states of the Global South that signed on to the statement in September still needs to be confirmed. It is indeed one thing to sign a statement yet another to support a resolution and vote for it. Moreover, TNCs are already lobbying and pressuring countries not to support the initia-

tive. They are trying to convince states of the value of voluntary codes of conduct and are telling developing countries they will lose foreign investment if they support binding norms.

An important mobilization of civil society and social movements is needed in order to win the vote. This is a historic moment and perhaps our unique opportunity to get an international treaty in the near future. The CETIM is strongly involved in this campaign together with the Global Campaign to Dismantle Corporate Power (stopcorporateimpunity.org), a network that brings together more than 100 social movements and organizations engaged in the fight against the impunity of TNCs. A larger coalition supporting a binding treaty has also been formed with organizations such as FIAN, International Commission of Jurists (ICJ), Friends of the Earth and the Economic, Social and Cultural Rights Network (ESCR-Net). A joint statement has been developed to support the process. It has already been signed by more than 250 organizations. We encourage you to have it signed by your organization. You can do so online at [www.treatymovement.com](http://www.treatymovement.com).

The statement supports the development of an international treaty on the responsibilities of TNCs regarding human rights, requiring states to "monitor and regulate the operations of business enterprises under their jurisdiction, including when acting outside their national territory, with a view to prevent the occurrence of abuses of human rights in the course of those operations". The international treaty would also provide for "legal liability for business enterprises for acts or omissions that infringe human rights" and ensure access to justice for the victims of their activities. The international treaty should also provide for "an international monitoring and accountability mechanism" and ensure "protection of victims, whistle-blowers and human rights defenders that seek to prevent, expose or ensure accountability in cases of corporate abuse".

The CETIM, together with the Global Campaign to Dismantle Corporate Power, will submit to the Human Rights Council several written statements presenting cases of human rights violations involving TNCs that demonstrate the need for an international binding treaty. These cases relate to the activities of Chevron in Ecuador, Glencore/Xstrata in the Philippines, Coca Cola in Colombia, Shell in Nigeria and Pacific Rim/Oceana Gold Company in El Salvador. These five same cases will also be presented during a side event at the Human Rights Council and at a public conference in the city of Geneva on Tuesday, June 24. Representatives of the affected populations will be present and will testify about the human rights

violations suffered and the problems faced when seeking justice.

The week of 23-27 June 2014 will thus be an important week of mobilization against TNCs. Besides the side event at the UN and the public conference in town, there also will be on Monday, June 23, a session of the People's Permanent Tribunal (PPT) that will look at the five cases previously mentioned, as well as a large popular demonstration against the impunity of TNCs and in favor of a binding treaty, on Wednesday, June 25, that will start at the Place des Nations at 18:00, and then conduct a guided tour of the Geneva of TNCs.

We reproduce below the statement made by the CETIM at the workshop on TNCs and Human Rights.

### Statement of the CETIM at the Workshop on TNCs and Human Rights, March 2014

Thank you Mr. Ambassador. The CETIM is an organization based in Geneva that was created forty years ago to promote a more equitable international system and fairer North-South relations.

Since its creation, it is actively engaged in the promotion of human rights, in particular economic, social and cultural rights, and the right to development. It acts as an interface between civil society organizations and social movements in the Global South and the United Nations human rights protection mechanisms in Geneva.

The CETIM has been following the debate in the UN on corporate accountability since more than thirty years and it has been doing a lot of research and publications on this matter.

We have been witness of the increasing power of transnational corporations and the parallel dismantling and failure of all attempt at the United Nations to seriously monitor and control their activities. The neoliberal era has led to a dramatic increase in the power and rights enjoyed by TNCs while the few obligations and regulations that existed at the international level have been dismantled and are now terribly weak.

We are now facing a situation of impunity. Massive human rights violations committed by TNCs remain unpunished, in particular when they occur in developing countries, and the lack of regulation

creates systemic economic problems, as has shown the recent crisis.

The human rights council has a huge responsibility. What it has been doing so far is not enough. The working group on business and human rights is the only special procedure that cannot receive communications on human rights violations committed. And regarding the guiding principles, besides their content, the problem is that they are only guiding principles, and thus that they are not binding, not enforceable and provide for no sanctions.

It would be an illusion to hope that we will be able to discipline the most powerful actors in the global economy today with voluntary guidelines and soft laws. This is precisely why the TNCs support them. But when it comes to protecting their rights and their interests, they recur to hard law, free trade agreements, investment treaties, arbitration tribunals and strong enforcement mechanisms.

Time has now come to correct this asymmetry! We would like thus to congratulate the governments of Ecuador and South Africa for having taken the initiative of reviving the proposal for binding norms to control the activities of TNCs and their impact on human rights.

You can count on our full support and the support of a huge number of social movements and civil society organizations around the world. It is not an easy task that we have in front of us but if successful it can potentially contribute to improve the livelihoods and better protect the human rights of millions of peoples around the world.

Countries will face a lot of pressures so that they do not support the proposal of establishing an inter-governmental working group to develop and adopt a binding instrument on TNCs. Developing countries in particular fear they will be losing foreign investments and see TNCs leave their countries.

Let me emphasize an important point here: having a convention or a binding instrument is precisely the best protection against that threat because it guarantees that the same standards and regulations will be applied everywhere. TNCs will therefore not be able to play countries against one another and they will simply have no other options but to adapt and in fact as pointed out by some experts yesterday, they will continue to make huge profits. Thank you Mr. Ambassador.



- causing thousands of people to be deprived of their right to health and a healthy environment;
- Wiping out ancestral indigenous peoples and discriminating against the inhabitants of the territories in which it operates;
- Disrespecting and disregarding the rights of women and children;
- Causing, through negligent practices, respiratory diseases, reproductive diseases, and cancer in thousands of children, youth, adults, and seniors;
- Violating the peoples' right to self-determination by pushing for the exploration and exploitation of unconventional oil and gas sites using the questionable practice of fracking;
- Using military forces as the company's private security, with violent practices used against citizens;
- Disrespecting and abusing the rights of workers for the sake of the company productivity;
- Disrespecting national and international legal systems, before, during, and after the company's operation in a country, with the goal of maximizing profits over human rights and avoiding responsibility for its actions;
- Abusing principles of corporate law by hiding behind dozens of subsidiaries, in order to avoid liability or responsibility for its actions;
- Squandering countless financial resources to clean up its image, rather than investing them in repairing the rights it has violated;
- Abusing its economic and political power in order to silence the voices of those calling for the company to take responsibility;

#### WE INVITE ALL:

To actively participate in the International Anti-Chevron Day on Wednesday, May 21, 2014, so that the world may join together in public action to reject Chevron's bad practices.

To raise a united voice so that, no matter in which corner of the world they hide, Chevron, its directors, and its shareholders, will hear:

- We will not tolerate the company's denials of responsibility and indifference to the damage it has caused in our territories;
- We will not allow them to relinquish responsibility by blaming local governments or third parties;
- Chevron should pay for its pollution and destruction of nature, including terrestrial and marine ecosystems;

- We demand respect for the peoples' right to self-determination in rejecting the use of fracking and other contaminating practices in their territories;
- We demand respect for the native peoples and communities in which the company operates;
- We demand respect for children, youth, adults, seniors; men and women alike;
- We demand respect for workers, and good working conditions in which workers can perform their roles with dignity;
- We demand that Chevron comply with the obligations imposed on it by judicial systems in the countries where it operates and in those where conflicts remain.
- We demand that Chevron Corporation, itself or through its subsidiaries, use its wealth and resources to repair the injuries it has caused in the world.
- We will not rest in our fight until Chevron changes its practices, assumes its responsibilities, and fulfils its corporate responsibility policies.
- We will not consume nor use products bearing Chevron's brand.

#### WHO ARE WE?

Through its publications and its work at the UN, the CETIM denounces the widespread misdevelopment in its economic, social and ecological dimensions, and seeks to contribute to the gathering of the critical debates that emanate from civil society, both in Southern and Northern societies. The CETIM focuses in particular on respect for, implementation and promotion of economic, social and cultural rights, as well as issues related to the right to development..