



European Union and Transnational Corporations

Trading Corporate Profits for Peoples' Rights



Authors:

Jesús Carrión & David Llistar (Observatory on Debt and Globalization)
Erika Gonzalez & Pedro Ramiro (Observatory on Multinationals in Latin America)
Juan Hernández Zubizarreta (Universidad del País Vasco/OMAL)
Tom Kucharz (Ecologistas en Acción)
Francesco Martone (Permanent Peoples' Tribunal -PPT)
Brid Brennan & Karen Lang (Transnational Institute)

Translation: Sara Shields, Karen Lang and Amira Armenta

Design: Ross Eventon

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Contact:

In Latin America and the Caribbean: enlazandoalternativas.alc@gmail.com

In Europe: enlazandoalternativas.europa@gmail.com

Web page and General Enquiries: red.enlazandoalternativas@gmail.com

Website: www.enlazandoalternativas.org

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Introduction

The current unprecedented and interrelated global crises – in finance, food, energy, environment and particularly in climate change – has pushed the (ir-) responsibility of Transnational Corporations (TNCs) to the center of economic and political debate. This is contributing to significant delegitimisation of global corporate power and to TNC abuse of citizens and the planet. At the same time, social protest against these corporations is intensifying as are mobilisations promoting alternatives to corporate power.

European Transnational Corporations (TNCs) like their global counterparts, especially in the finance sector, are likewise under pressure with widespread calls for new regulatory frameworks. These TNCs are also household names throughout Europe – and until quite recently were regarded as the “engines” of Europe’s growth economy and as drivers of development in the Global South. In Latin America and the Caribbean (LAC), European TNCs are also household names – but for very different reasons. Having positioned themselves in all strategic areas of the Latin American economy, the results have been: increased impoverishment, pillaging of natural resources, dismantling of public services, conflict and criminalisation of social protest and devastation of the environment. In Europe also, it is increasingly more evident that TNCs are at the center of current unemployment and social impoverishment.

During the past years, the operations of European TNCs in Latin America and the Caribbean have been challenged and de-legitimised by social movements and civil society organisations from both Latin America and Europe for their systematic abuses of human rights. Extensive documentation of these violations have been presented to the Permanent People’s Tribunal (PPT) in two Sessions – in Vienna, May 2006 and in Lima, May 2008 and is brought to the attention of European policy makers in the European Parliament Hearing held in Brussels on November 18, 2009.

The documentation testifies to sustained and systematic violations of human, economic, political, social, cultural and environmental rights; to widespread and sometimes irreversible destruction of the environment and biodiversity as well as to complete disregard for the livelihood and welfare of indigenous communities. The TNCs indicated in the PPT Sessions are names we see on the billboards of most of European cities and their headquarters are to be found in Austria, Britain, Finland, France, Germany, Italy, the Netherlands, Spain, Sweden and in some non-EU countries, Norway and Switzerland. The TNCs indicated in the PPT Sessions are names we see in the billboards of most of European cities and their headquarters are to be found in Austria, Britain, Finland, France, Germany, Italy, the Netherlands, Spain, Sweden and in some non-EU countries, Norway and Switzerland.

Furthermore, these European TNCs are operating within a political, economic and juridical architecture of impunity which has been put in place by such EU neoliberal policy instruments as the Lisbon Treaty, the investment and trade strategy “Global Europe: competing in the world”, as well its Free Trade Agreements (FTAs) and Bi-

lateral Investment Treaties (BITs). In addition, the policies of such international public institutions as the World Bank, International Monetary Fund and the World Trade Organisation, in which European governments are participating have also paved the way for the predatory operations of TNCs.

In bringing forward the witnesses of these widespread violations of Peoples Rights by European TNCs, the Enlazando Alternativas bi-regional network seeks not only to publicise the destructive practices of these TNCs but also to address the complicity of the EU policy mechanisms and instruments and the role of LAC governments in these violations.

This Briefing aims to open a new public debate on the operations of European TNCs and introduces :

- key issues of violations of peoples' rights in the TNC cases presented to the Permanent Peoples' Tribunal
- an analysis of the architecture of impunity in which TNCs operate in LAC and in Europe and the role of EU policy mechanisms and instruments in this as well as the role of LAC governments
- proposals for an alternative regulatory framework for TNCs which goes beyond voluntary mechanisms and Corporate Social Responsibility.

The current widespread demand for a normative and binding regulatory framework in addressing the power of TNCs provides a strategic opportunity for European and Latin American Governments and Parliaments to make a decisive policy shift in their preparation for the scheduled EU-LAC Summit in Madrid, May 2010.

1. Evidence of the violation of fundamental human rights by transnational corporations in the cases presented to the Permanent Peoples' Tribunal

~~The work of identifying and documenting the cases selected for the PPT session on "Neoliberal Policies and European Transnationals in Latin America and the Caribbean," held in Lima in May 2008 sought to attribute responsibility to the transnational corporations (TNCs) for violations of fundamental human rights and to focus on the mechanisms that produce them. By examining these mechanisms, the extent to which public institutions such as European and Latin American government agencies bear responsibility for human rights violations can also be gauged.~~

In fact, each specific case presented to the Tribunal (see www.internazionaleleliobasso.it) clearly demonstrated that the reported violations are not isolated incidents, but rather that they are repeated systematically. These are indications and fairly "normal" expressions of the overall policies, economic plans and

concrete practices of European TNCs that violate rights with absolute impunity and/or with the tolerance of the responsible public authorities - in the countries of origin of the European transnationals and/or in the countries where the violations are perpetrated.

In total, the Lima Tribunal considered 21 cases of transnational corporations from 12 sectors (see Annex 1) operating in Latin American and Caribbean (LAC) countries. These companies seem to follow similar patterns of behaviour in the way they operate. The cases presented at the Tribunal were organized according to the Tribunal's framework – that is, according to specific conceptual categories (see the box below) that effectively expose the major impacts which communities and individuals suffered; give greater visibility to the instruments that facilitate and cause the impacts; and finally, identify the actors that cause these impacts and their motivations for doing so.

The Tribunal's Framework: Conceptual Categories

IMPACTS: Ecological debt and plundering of collective goods; systematic violation of peoples' rights; State, private and paramilitary violence; erosion of State sovereignty.

INSTRUMENTS AND MECHANISMS:

- In the legislative sphere: the Lex mercatoria at the service of corporate interests (changes to rules of the game)
- In the financial sphere: external debt (financing investment projects and trade operations, often with public funds)
- In the technical-productive sphere: the IIRSA and the Plan Puebla Panama (to create the physical networks for transportation, communications, water and energy, and technology required to facilitate the exportation of goods and services).

ACTORS AND MOTIVATIONS: company owners (shareholders); European governments; governments of the Global South; local oligarchies.

The cases presented documented negative impacts, particularly in areas such as:

- *Labour conditions: through the casualisation and exploitation of labour, the criminalization of social protest, characterised by violent repression that has reached the extreme of causing numerous violations of the individual's right to life and liberty, as well as criminal charges ranging from crimes of association to terrorism. The persecution of trades unions with unjust mass dismissals was made particularly evident in the case of the agro-foods company CAMPOSOL, through actions that constitute regular practice, including the mass dismissal in December 2007 of 385 workers, 80 per cent of whom were unionised.*
- *The environment: although they are not the only polluters, the mining and oil industries in particular continue to contaminate water supplies and cause soil degradation, deforestation and in some cases even desertification, with an enormous and irreversible impact on biodiversity in many of the regions in which they operate. An*

emblematic case is the environmental damage caused by the Mining Company MAJAZ, which, if it continues to expand, would affect the Amazon Basin. Many cases have also dramatically documented the impact of environmental crimes on food security, access to water, and the forced displacement of rural and indigenous communities from their homes and land. The case of the German company THYSSEN KRUPP in Brazil is a clear example. The installations of the company in the Bahia de Sepetiba is causing the environmental destruction of the bay and generating grave impacts on traditional fishing.

- Genetically modified seeds: the case of SYNGENTA, presented to the PPT by Via Campesina and Terra de Direitos, clearly documents how the 'old' mechanisms of massive contamination, violent repression by paramilitary forces and criminalisation of opponents remain unchanged in the absence of the State's protection or even with its complicity.

- Peoples' health: the PPT has received convincing evidence of direct damage caused by contamination of aquifers and poisoning by insecticides. Two cases are particularly exemplary: a) the poisoning of 44 children from the Taucamarca community by the German company BAYER's Paration, and the resulting deaths of 24 indigenous children; b) the poisoning caused by the pesticide Nemagon, widely distributed by the SHELL OIL COMPANY, particularly in Honduras and Nicaragua, with dramatic consequences including illness and deaths. The Tribunal also heard accusations against ROCHE for their corporate conduct in Brazil. Witnesses denounced the violation of citizens' rights to health and access to generic pharmaceuticals resulting from the application of intellectual property rights by transnationals.

- Corruption: this has become an almost common mode of operation in all these processes, in which the different actors are implicated through the granting of exploration and production concessions to the extractive industries and the privatisations imposed on countries by the international financial institutions as a requirement in the agreements they sign. Particularly clear examples can be found in the cases of UNIÓN FENOSA, in their process of privatisation of energy distribution in Nicaragua (a law was modified to allow for a public tendering process with only one offer, which in the end was made by the UNION FENOSA), and of the Swedish construction company SKANSKA, accused of being involved in acts of corruption and the payment of surcharges in Peru, in the plan to widen the Camisea Gas Pipeline.

- The Financial system: the general mechanisms and specific cases relating to this sector, which has an increasingly significant impact on the global economic situation, have been documented through the analysis of three cases, of which one in particular (that of HSBC in Peru) gave the PPT a clear view of how conflicts of interest between private and public actors affect democracy and the sovereignty of states. In this case, those responsible for government become the accomplices of the private actors, be they national or international, by allowing high-level directors of the financial corporations to

occupy management positions in the Ministry of Economy and Finances. This privilege allowed corporate executives to deviate high-return operations for the purchasing of public debt to their companies. In this way, government agents tacitly renounce their duty to apply the national legislation that ought to protect their citizens.

When the opposite is the case, and national governments decide to demand their own economic sovereignty and public control of strategic sectors, the transnational corporations resort to other ways to protect their interests. The case of TELECOM-ITALIA confirmed the role of international arbitration bodies such as the International Centre for Settlement of Investment Disputes (ICSID) in defending the exclusive interests of transnational corporations that have taken advantage of the process of privatization of public services in Latin America, in this specific case, the telecommunications sector in Bolivia. It is important to emphasise that in this case the Bolivian government did not recognise the authority of the ICSID, withdrawing its participation from the body, which it considered to be anti-democratic and biased. The firm action of the Bolivian Government and the international campaign on the issue has resulted in this case being withdrawn by the company in October 2009.

The Tribunal also examined a number of cases related to violations of the rights of indigenous and African-descent communities, peoples and nations, in which they condemned:

- *The destruction of the natural environment, the life source and living space, which is therefore sacred. In the indigenous peoples' cosmivision, human beings, children of the water and the land, live in symbiosis with nature, and from there create the means to live. For that reason, the destruction of the natural environment by transnationals in the extractive industries shows a lack of respect for life itself, and therefore constitutes a work of death. It is also a moral aggression against Mother Earth (pacha-mama), as she cannot be made the object of exploitation. She must be respected. This was demonstrated, for example, in the case of the operations of the British mining company MAJAZ, in the North of Piura in Peru, with the destruction of biodiversity and the contamination of the water. The Spanish oil company REPSOL YPF also caused serious damage to the ecosystems of various regions of Colombia, Ecuador, Bolivia and Argentina.*

- *The expulsion of communities from their lands, often accompanied by violence on the part of the army, the police or unregulated armed groups. In a number of cases the abuse of authority was also proven, and even the indifference, inaction and sometimes complicity of certain judicial bodies. In the case of SHELL, this Dutch-British company turned to illegal repression of communities in Brazil, Argentina and Ireland. REPSOL YPF was accused of being responsible for the failure to respect the rights of the Paynemil and Kaxipayin Mapuches of Argentina, Bolivia and Ecuador.*

2. The Responsibility or Co-responsibility of the European Union in Human Rights Violations of European Transnational Corporations in Latin America and the Caribbean

The State has the fundamental obligation to guarantee that all human rights are respected, fulfilled and protected, both in the country of origin of the transnational corporation and in third countries where it operates. This obligation should be fulfilled through appropriate state policies, tax policies and legislative, judicial, administrative and other measures. However, what actually happens in the current neoliberal system is that private interests substitute the public interest, and the States of the European Union (EU), as well as the very institutions of the EU, accept it when companies identify their own interests with the common good. Consequently, the State supports corporations with all sorts of economic, legal and diplomatic facilities. This situation means that the State fails to play its role as the guarantor of human rights.

The European Union, and the European Council and the European Commission in particular, have been accused during the PPT sessions in Vienna in 2006 and in Lima in 2008 of having built a legal, economic and financial framework that allows European multinationals to continue violating human rights. Yet not only do they share responsibility in these impacts, they have also contributed to the generation of the current financial, economic, food, energy, socio-environmental and climate crises.

In particular, we would like to draw attention to the following public policies for the role they have had in creating this situation:

- The creation of a single market for goods, services, capitals and people, *and their respective regulations, guidelines and recommendations that support and favour, with their political, financial and legal structures, the expansion of the power of Corporate Europe within Europe itself and in its external relations.*
- The creation of a single capital market, *deregulating stock markets, freeing central banks' ability to issue money outside of State control and subordinating budgetary policies to the new dynamics of the market. And more recently, the new Market in Financial Instruments Directive (MIFID) has been introduced.*
- The privatisation of the services sector, *creating the necessary conditions for the development of new European giants (of private capital) in this sector, whose international activities have been denounced for their impacts on Economic, Social and Cultural Rights.*
- The Lisbon Agenda and the Lisbon Treaty, *which involves dismantling labour regulations and social protection systems, increasing job insecurity, the progressive elimination of existing minimum income programs and cuts to unemployment benefits.*

- The negotiation of Bilateral Investment Agreements (BITs) and Free Trade Agreements (FTAs) between the EU and different countries and regional blocks (such as Colombia and Peru, Central America and countries in the Caribbean), which are part of the “Global Europe: Competing in the World” strategy and whose goal is to take market liberalization to much deeper levels.

- The establishment of the European Investment Bank (EIB) that finances projects and investments that are destructive and harmful to the environment and the population.

- The use of public funds to help transnational corporations to project themselves onto the global scene through the so-called “Development Assistance” and export credit agencies.

- The creation and promotion of the WTO (World Trade Organization) and the current Doha Round. In this Round, the EU is seeking go beyond current commitments in the Financial Services Agreement and the General Agreement on Trade in Services (GATS) and include the Singapore issues – investment, trade facilitation, competition and government procurement – with the goal of rendering market liberalization in these sectors irreversible and imposing restrictions on governments’ ability to regulate the financial sector. Another objective was to increase the financing of megaprojects and major companies whose operations cause damage to the environment and local communities.

- Political and financial support to the International Financial Institutions (the IMF, WB and EIB in particular) and the illegitimate and illegal collection of foreign debt, which has been generated by the IMF and WB’s “aid” packages and Structural Adjustment Programmes. The EU has contributed to the creation of the framework for managing debt repayment through these institutions, with the help of the London Club and the Paris Club. The policies imposed by the IMF and the WB have exposed Latin American and Caribbean countries to speculators’ attacks, as they forced the countries to open their capital markets to global flows. Also in this region, the IFIs have promoted the opening and privatization of basic State sectors to foreign capital.

In response to this situation, one of the objectives of the next session of the PPT, scheduled to coincide with the Summit of EU and Latin American Heads of State and Government in Madrid in May 2010, is to identify the responsibilities of European public institutions and their role in advancing the agenda of the transnationals.

Specifically, Enlazando Alternativas and the PPT will work together to expose the complex political and legal strategy of introducing public measures that make up the

“anti-cooperation”, such as policies on investment, markets, financial services and development aid. But the aim is not just to expose the framework that protects corporations; another objective is to demonstrate the responsibility of the dominant institutions that facilitate it – the EU and its role in institutions such as the WTO, IMF, IDB and World Bank is a key issue here – and the institutional architecture that allows the actions of the TNCs to remain unpunished.

While support for the internationalisation of European transnationals in the rest of the world provides the foundation of European policies and instruments in a highly coherent and crosscutting way, mechanisms to control and regulate the human rights violations that these European companies commit abroad are either non-existent or utterly inadequate.

3.The Search for Justice: Beyond Corporate Social Responsibility

We have analyzed how the EU promotes a socio-economic model that subjects the social rights of the majority of men and women on the planet to the logic of a market dominated by transnational corporations. Consequently, if we wish to invert this logic in order to give priority to the rights of the majority, mechanisms to control multinationals’ activities must be implemented.

In this context, it is said that control over transnational corporations must be established as a shared responsibility between corporations, workers and civil society, in collaboration with international institutions and in harmony with the States. Corporate Social Responsibility (CSR) is presented as the operational framework for this. However, this assessment masks the reality of how transnationals develop their power, which is materialized through their capacity to “legislate” and to define the concept and the extent of their responsibility and of the norms that sustain their power: while their obligations oscillate in the contours of impunity, their rights are guaranteed by the judicial fortress of the Lex Mercatoria.

In neoliberal globalization, economic rights are given priority over social rights, what is private over what is public, and there is a trend towards the de-formalization of judicial norms, privatization and uncertainty in terms of sources of legitimization. The norms of the WTO, Regional Agreements, Bilateral Free Trade and Investment Agreements, the International Monetary Fund (IMF), the World Bank (WB), together with multinationals’ investment and exploration contracts and decisions from dispute-settlement processes constitute the hard core of the Lex Mercatoria.

Transnational Corporations oppose all types of normative control

From a legal-political perspective, it is worth focussing on the contradictions that exist between references to ethics and respect for international human rights and labour norms that have been incorporated into Corporate Social Responsibility, on one hand, and certain business practices in the international legal sphere, on the other.

There is an inherent contradiction in transnationals' radical opposition to being subject to international legal obligations, as was analyzed in the debate on Norms on the Responsibility of Transnational Corporations and other Business Enterprises in the United Nations. Their appeals to business ethics and respect for international norms clash with their refusal to be regulated by international laws.

In light of the weakness of Host States' national laws (host states being responsible for ensuring compliance with international commitments), very few States have approved mechanisms that allow them to indirectly make demands and hold the company accountable in the country where the company has its headquarters.

The refusal of transnational corporations to approve a binding international external code in the United Nations, or their opposition to the creation of a Centre on Transnational Corporations that would audit their practices, investigate their failure to comply with obligations and formulate denunciations clashes with their repeated calls to respect human and environmental rights. It is obvious that they prefer to define themselves the limits of their responsibilities and oppose all forms of external interference or control. So far, they have succeeded in preventing these types of measures from being adopted. In the UN Global Compact, there are no measures to effectively control whether signatory TNCs are complying with its principles.

Due to their voluntary nature, Global Compact and CSR are indeed questionable guides as to how transnational corporations should be obliged to protect and respect human rights. When corporations take CSR as a regulatory "extra" in addition to their legal obligations, it is in order to claim that they are complying scrupulously with national and international law. However, the idea of "super-compliance" with CSR is not reflected in corporate regulations, which should state that TNCs refuse to participate and finance projects with impacts on the environment or on human rights, for example. Thus far, not a single transnational corporation has incorporated this undertaking in its statutes.

The formal generalization of Corporate Social Responsibility as the normative reference for transnational corporations does not mean that they would automatically cease to develop illegal practices and to take advantage of comparative advantages offered by different national or local contexts.

A Proposal for Alternatives on Regulating Transnational Corporations

Controlling transnational corporations implies on one hand, subjecting all practices that violate civil, political, social and cultural rights to the law and, on the other hand, adjusting their activities to ensure the right to development and the sovereignty of peoples and nations are respected. But, in reality, the exact opposite has occurred: dominant theories from developed countries and of transnational corporations have been imposed eroding sovereignty over Southern governments policy space. Thus, while the normative body related to the commercialization of the neoliberal system is being perfected quantitatively and qualitatively, the control over major corporations is

becoming increasingly linked to the voluntary and unilateral systems that have penetrated international institutions.

The need to further develop institutional mechanisms that force transnational corporations to submit to international norms has become one of the international community's greatest challenges. In our opinion, an international normative code that defines the limits of major corporations' legal responsibilities for the consequences of their activities throughout the world must be created. The reformulation of voluntary mechanisms and the broadening of the legal framework so it has an imperative, coercive, sanctioning and binding nature before the competent tribunals must be part of the union, social and political agenda. Furthermore, the content of this external code on the responsibility of transnational companies should be the result of a synthesis of the ad hoc codes of the ILO and the OCDE and the proposals for binding codes discussed at the UN in the 1970s. Other criteria that should be added to the basic content of the aforementioned institutions' external codes are the extension of the parent company's responsibilities to its subsidiaries, suppliers, contractors and sub-contractors and TNC subordination to Host States' sovereignty in ways that are coherent with the right to development and the civil and penal responsibility of its owners and directors.

In any case, the central premise requires doing away with the transnational corporations-voluntarism. The new legal framework will require, for its part, the creation of an International Tribunal that can judge transnational companies and that would be responsible for defending the fundamental rights of people affected by transnationals' activities and imposing appropriate sanctions. We believe that a Tribunal with these characteristics is both feasible and necessary and that to launch the debate in this area, different proposals must be taken into account. For instance, UN Rapporteurs have made a proposal on the creation of an International Court on human rights with the power to judge multinationals, even though the proposal was made in the context of a project that did not belong to the UN called the "Swiss Initiative". Proposals also have been made on broadening the jurisdiction of the current International Criminal Court to include legal persons and violations of economic, social and environmental rights. Similarly, in order to guarantee the predominance of International Human Rights Law over the *Lex Mercatorio*, economic tribunals linked to the World Bank must be eliminated. This would avoid cases like the one Telefonica presented against the Argentine government for blocking tariff hikes during the economic crisis – or Telecom Italia's case against the government of Bolivia for nationalizing one of its subsidiaries in the country.

Another key proposal is the creation of a Centre of Studies and Analysis on Transnationals within the United Nations with quadri-partite management (governments, business, social movements, and trade unions). The Centre would measure the real impacts of multinationals' activities in relation to economic and human development issues and human and labour rights violations. These proposals are indispensable for the transition towards the approval of binding norms and frameworks. Finally, in any case, a legal strategy such as the one proposed here must

necessarily be part of a broader social and political strategy, as any process to develop legal changes and impose binding mechanisms of regulation on transnational corporations will not succeed without the support of social movement and trade union mobilisation.

In an era when public opinion and protest strongly demand the reining in of TNC irresponsibility and hegemonic power can we expect the Governments and Parliaments of the European Union and Latin America and the Caribbean to make a decisive turn-around in EU-LAC economic and political relations that put people and their rights before the profits of European TNCs? The EU-LAC Summit in Madrid, scheduled for May 2010 provides a strategic opportunity.

APPENDIX I

TECHNICAL FILE OF THE PERMANENT PEOPLES' TRIBUNAL

“Session on Neoliberal Policies and European Transnationals in Latin America and the Caribbean”

Lima, May 13-16, 2008

Jury Members: François Houtart (President, Belgium), Vilma Nuñez (Vice-President, Nicaragua), Blanca Chancoso (Ecuador), Miren Etxezarreta (Spain), Franco Hipólito (Italy), Edgardo Lander (Venezuela), Francesco Martone (Italy), Lorenzo Muelas (Colombia), Patricio Pazmiño (Ecuador), Roberto Schiattarella (Italy), Giulia Tamayo (Peru), Alirio Uribe (Colombia), Gianni Tognoni (PPT Secretary General, Italy).

Cases Presented:

Natural Resources and Neo-Colonialism	Mining: MONTERRICO METALS (Britain) Petroleum: REPSOL (Spanish State), SHELL (The Netherlands-Britain) Forestry-Wood Industry: BOTNIA (Finland)
New Constitutionalism and the Privatisation of Justice	Pharmaceutical: ROCHE (Switzerland) Telecommunications: Euro Telecom Italia (ETI) – International Centre for Settlement of Investment Disputes (ICSID) of the World Bank
Infrastructure for Plunder	Metalwork and Infrastructure: THYSSEN KRUPP (Germany), SKANSKA (Sweden)
Ecological and Social Debt	Agro-chemicals: BAYER (Germany), SHELL (The Netherlands-Britain)
Financial Systems and Economic Crimes	Banking and Financial Instruments: European Union, HSBC (England), BBVA (Spanish State), SANTANDER (Spanish State)
Criminalisation of Resistance and the Use of Force	Genetically modified seeds: SYNGENTA (Switzerland)
Privatisation of Public Services and Fundamental Rights	Electricity: SUEZ (France), UNION FENOSA (Spanish State) Water: AGUAS DE BARCELONA - PROACTIVA (France, Spanish State)

Natural Resources and Neo-Colonialism	Mining: MONTERRICO METALS (Britain) Petroleum: REPSOL (Spanish State), SHELL (The Netherlands-Britain) Forestry-Wood Industry: BOTNIA (Finland)
Casualisation and the Exploitation of Labour	Agro-foods and Non-Traditional Exports: CAMPOSOL (Norway), CERMAC MAINSTREAM (Norway), MARINE HARVEST (Norway), UNILEVER (The Netherlands-Britain)

Organisations and social movements involved in the presentation of cases:

Acción Ecológica (Ecuador), Alianza de Pueblos del Sur Acreedores de Deuda Ecológica (Latin America), Friends of the Earth Latin America - ATALC, Friends of the Earth Europe- FoEE, Asamblea del Pueblo Guarani Itika Guasu (Bolivia), Asociación Aurora Vivar (Peru), Asociación de Usuarios del Agua de Saltillo (Mexico), Associações de Pescadores Artesanais da Baía de Sepetiba (Brazil), Asud (Italy), ATTAC (Argentina), ATTAC (Chile), Campaña Internacional: La Ir-Responsabilidad Social de Unión Fenosa. Capítulo I: Nicaragua a Oscuras, Campaña por la Reforma de la Banca Mundial CBRM (Italy), Campaña en Defensa de la Amazonía y Movimiento de los Damnificados por el Complejo del Rio Madeira (Brazil and Bolivia), Colectivo Alternativa Verde- CAVE (Brazil), Ceiba – Amigos de la Tierra (Guatemala), Censat Agua Viva – Amigos de la Tierra (Colombia), Centro de Documentación e Información de Bolivia – CEDIB (Bolivia), Centro de Estudios Aplicados a los Derechos Económicos, Sociales y Culturales CEADESC (Bolivia), Centro de Políticas Públicas para el Socialismo – CEPPAS (Argentina), Centro Eococéanos (Chile), Colectivo SKAMSKA (Sweden), Confederazione dei Comitati di Base-COBAS (Italy), Confederación Nacional de Comunidades Afectadas por la Minería- CONACAMI (Peru), Confederación General de Trabajadores- CGTP (Peru), Confederación General del Trabajo - CGT (Spanish State), Trade Union Confederation of the Americas-TUCA (America), Corporate Europe Observatory- CEO (Holland), Deudos de la Comunidad de Taucamarca (Peru), Ecologistas en Acción/ Ekologistak Martxan (Spanish State), Federación Nacional de Sindicatos de Unilever Chile- FENASIUN (with the support of CUT Chile), Federación de Trabajadores de ENTEL (Bolivia), France – Amérique Latine (France), Foro Ciudadano por la Justicia y los Derechos Humanos –FOCO (Argentina), Fórum de Meio Ambiente e de Qualidade de Vida do Povo Trabalhador da Zona Oeste e da Baía de Sepetiba (Brazil), Fundación de Investigaciones Sociales y Políticas – FISyP (Argentina), Fundación Solón (Bolivia), Fundación Rosa Luxemburgo - RLS (Brazil), Institute for Policy Studies-IPS (United States), Instituto de Ciencias Alejandro Lipschutz (Chile), Instituto de Políticas Alternativas para o Cone Sul – PACS (Brazil), Jubileo Sur (Peru), Land is Life (Ecuador), Movimiento Mexicano de Afectados por las Presas y en Defensa de los Ríos MAPDER (Mexico), Movimento dos Atingidos por Barragens-MAB (Brazil), Movimento dos Sem Terra- MST (Brazil), Movimiento Social Nicaragüense (Nicaragua), Movimiento de los Afectados por el Nemagón (Honduras), Movimiento de los Afectados por el Nemagón (Nicaragua), Observatorio de Conflictos Mineros, Centro de Ecología y Pueblos Andinos- CEPA (Bolivia), Observatorio de Multinationales en América Latina – OMAL Paz con Dignidad (Spanish State), Observatorio Social de Empresas Transnacionales, Megaproyectos y Derechos Humanos (Colombia), Plataforma Interamericana de Derechos Humanos, Democracia y Desarrollo PIDHDD (Americas), Proceso de Comunidades Negras - PCN (Colombia) , Red Brasileira por la Integración de los Pueblos - REBRIP (Brazil), Red Caribe de Usuarios de Servicios Públicos Atarraya en Defensa del Agua y la Energía (Colombia), Red de Acción en Agricultura Alternativa –RAAA (Peru), Red Latinoamericana contra las Represas –REDLAR, REDES Amigos de la Tierra (Uruguay), SETEM (Estado Español), Shell to Sea (Ireland), Sindicato dos Trabalhadores no Comércio de Minérios e Derivados de Petróleo no estado de São Paulo – SIPETROL (Brazil), Sindicato Eicosal 2 de la Multinacional Noruega Marine Harvest (Chile), Sindicato de Electricidad de Colombia Sintraeocol (Colombia), Sindicato de Trabajadores de Camposol SITECASA (Peru),

Sindicato CERMAC MAINSTREAM (Chile), SOMO (Holland), Terra de Direitos (Brazil), Transform (Italy), Transnational Institute-TNI (Holland), Via Campesina (Brazil), Xarxa de l'Observatori del Deute en la Globalització - ODG (Catalunya, Spanish State).

Permanent Peoples' Tribunal - Fondazione Lelio Basso – Sezione Internazionale
(www.internazionaleleliobasso.it)

Founder - Permanent People's Tribunal: Lelio Basso / President - Permanent People's Tribunal: Salvatore Senese

APPENDIX II

Collaboration between the Bi-Regional Europe-Latin America and Caribbean Enlazando Alternativas Network and the Permanent Peoples' Tribunal

The Permanent Peoples' Tribunal, established in 1979 to succeed the Russell Tribunals on the Vietnam war (1966-1967) and dictatorships in Latin America (1974-1976), has the statutory goal of exposing and qualifying in terms of right all those situations in which the massive violation of fundamental rights of Humankind do not find proper avenues for redress and recognition both at the national and international institutional level. During the past decades, the Tribunal has held as many as 35 sessions and has accompanied, anticipated and supported peoples' struggles against a wide range of violations of fundamental rights such as the denial of the right to self-determination, foreign invasions, new dictatorships and economic oppression, as well as the destruction of the environment.

The Bi-Regional Europe-Latin America and Caribbean Network, Enlazando Alternativas was established in Guadalajara, Mexico in 2004. Its creation is the result of a growing awareness that the neoliberal policies and trade agenda of the European Union (EU) is being led by powerful transnational corporations and that through these policies, unrestricted access is gained to Latin American and Caribbean markets, creating severe economic, environmental and social dislocation and causing grave violations of human rights and Economic, Social and Cultural Rights (ESCR). Thus, the formation of this bi-regional network also reflects the need for Latin American and European social movements and civil societies to increase resistance to the "Global Europe project", to the Lisbon Agenda and to transnational corporations (TNCs) based in the European Union as well as to the policies of international 'free' trade.

Enlazando Alternativas and the Permanent Peoples' Tribunal started their collaboration in 2004 in response to a common interest and concern to put peoples' rights before any type of economic, trade and investment activity by transnational companies and European Union governments. The achievement of the PPT sessions that have been held until now (Vienna 2006 and Lima 2008) has been the identification, analysis and condemnation of the operations of Transnational Corporations in specific sectors (from extractives to agribusiness, from public and financial services to infrastructure) as well as to their labour practices. The objective was to expose the violations of internationally recognised rights as well as the non-compliance to established regulations on human rights; to identify the restrictions on States' obligations to uphold fundamental rights and to challenge the voluntary practices promoted by Corporate Social Responsibility.

The convergence of the long-standing history of the Permanent Peoples' Tribunal and the activities of the social movements that are part of Enlazando Alternativas has contributed to the creation of a space where affected communities link up with counterpart organizations to fight for social and environmental justice. This has resulted in the quest for dignity and the development of people-based legal, social and political strategies of resistance to transnationals and the identification of effective proposals to strengthen and apply the current system of international law aimed at protecting and promoting rights in a post-neoliberal framework. Besides serving to defend the rights of the majority of the peoples on the planet, the Permanent Peoples' Tribunal is a vehicle for innovative proposals to reclaim truth, justice and a public space of accountability and responsibility and to globalize new forms of solidarity, combining the dynamics of denunciation, resistance and the construction of alternatives.