



Enlazando  
Alternativas

Red Birregional Europa-  
América Latina y el Caribe

United Nations Consultation on Business and Human Rights  
5-6 October 2009, Geneva, Switzerland  
REFERENCE: IW/LW/ST/is



## PROFIT BEFORE PEOPLE AND HUMAN RIGHTS EUROPEAN TRANSNATIONAL CORPORATIONS IN LATIN AMERICA AND THE CARIBBEAN

Document submitted by the Bi-regional Europe, Latin America and Caribbean Enlazando Alternativas Network to the Consultation on Business and Human Rights organized by the Office of the High Commission of the United Nation for Human Rights  
Geneva, October 5-6, 2009

## Profit before People and Human Rights European Transnational Corporations in Latin America and Caribbean

This Report was prepared for the UN Consultation on operationalizing the framework for business and human rights presented by the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises being held in Geneva on 5-6 October 2009.

### Contributors:

Jesús Carrión & David Llistar (ODG)  
Erika Gonzalez (OMAL)  
Tom Kucharz (Ecologistas en Acción)  
Brid Brennan & Karen Lang (Transnational Institute)  
Francesco Martone (Permanent Peoples' Tribunal-PPT)

Translation: Sara Shields and Karen Lang  
Design & Layout: Anna Camposampiero (PRC/IE)

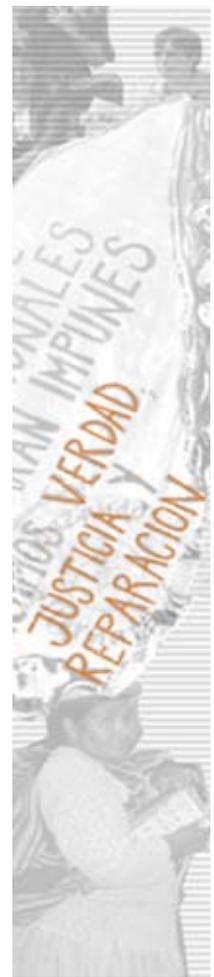
### Acknowledgements:

Thanks especially to the communities and organizations who are struggling daily against the systematic violation of human rights against peoples, their livelihoods and the environment. Thanks also to the witnesses and to the member organizations of the Bi-regional Europe-Latin America and Caribbean Enlazando Alternativas network, the Hemispheric Social Alliance and the Permanent Peoples' Tribunal, who have given visibility to these struggles in the PPT Sessions in Vienna (2006) and in Lima (2008).

### Contact:

For Latin America and the Caribbean: [enlazandoalternativas.alc@gmail.com](mailto:enlazandoalternativas.alc@gmail.com)  
For Europe: [enlazandoalternativas.europa@gmail.com](mailto:enlazandoalternativas.europa@gmail.com)  
For the web page and general questions: [red.enlazandoalternativas@gmail.com](mailto:red.enlazandoalternativas@gmail.com)  
Website: [www.enlazandoalternativas.org](http://www.enlazandoalternativas.org)

The contents of this Report may be quoted or reproduced, provided that the source is acknowledged. Enlazando Alternativas would like to receive a copy of the document in which the Report is used or quoted. Geneva, October 2009



ECOLOGISTAS  
en acción





The **Bi-Regional Europe - Latin America & Caribbean Network, Enlazando Alternativas** views the consultation organised by the Office of the United Nations High Commissioner for Human Rights on transnational corporations and human rights as an opportunity to present both its findings and its proposals for addressing the systematic violations of human rights by Transnational corporations (TNCs). The proposals are aimed at ensuring that Peoples' fundamental human rights are effectively defended against corporate activities. It is essential that there be greater participation of the victims of TNCs' abuses in the debates in the United Nations on the issue of human rights and transnationals. This demand was included in the recent Declaration issued by the organisations representing communities affected by corporate operations<sup>1</sup> at the Regional Consultation organised by the UN in Buenos Aires. This declaration expressly states that the mandate of the UN Special Representative on Business and Human Rights does not pay sufficient attention to those directly affected by the impacts of TNC activities. The discussions have been restricted to academic, business and government bodies and large NGOs. The people and organisations who provide testimonies, information and evidence of these impacts on the ground have not been invited to these debates. Therefore, one must ask through which channels in the UN can the people affected by TNCs' actions present their complaints and accusations? Are the universal control systems on corporations, such as those advocated by the ILO, sufficient? Is the Global Compact enough to protect Peoples' human rights against the impacts of TNC activities?

The experience of the Permanent Peoples' Tribunal (PPT) and the Bi-regional Europe-Latin America and Caribbean network, Enlazando Alternativas (see box below) provides an important contribution to this debate and to the struggle to defend peoples' rights. The work on documenting the human rights violations of European transnational corporations in Latin America was conducted together with the communities who are victims of these abuses. This work helped to give greater visibility to these issues and to create opportunities for the peoples' voices to be heard.

During the two sessions of the Tribunal (in Vienna in May 2006 and in Lima in May 2008), a series of cases were analysed. It was evident in the documentation presented to the Tribunal that European TNCs were embedded in the strategic sectors of the Latin American and Caribbean economy and that violations on human rights were systemic. The inadequacy of proposals reaffirming the concept of corporate social responsibility and the obligation by TNCs to respect human rights was also exposed.

The PPT sessions also highlighted the responsibilities and obligations of both States and public institutions (such as the EU Commission and international financial institutions) to respect the international human rights regime. The PPT judgement identified the architecture of Free Trade Agreements (FTAs), Bilateral Investment Treaties (BITs) and other instruments that allow TNCs to act with impunity. It concluded with a series of recommendations, such as the proposal to set up an international tribunal for environmental and economic crimes; the recognition of ecological debt and the introduction of "Alien tort claim act"-like legislation in European Union Member states.

In this report, an overview of the main human rights violations of European transnational corporations presented in the cases during the PPT sessions will be discussed. Then, the role of European policies and institutions in the creation of a legal-judicial framework that allows transnational corporations to act with impunity will be analyzed. The report concludes with the Bi-Regional network's proposals and questions in relation to the agenda of this consultation.

---

1. Declaration issued by the non-governmental organisations and organisations representing communities affected by corporate actions at the Regional Consultation organised by the Special Representative of the United Nations Secretary General on Human Rights, Transnational Corporations and other Business Enterprises in Buenos Aires (Argentina, 14-15 May 2009).



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

The Peoples' Permanent 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. In its decennial history, 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 the EU's objective is to ensure its countries unrestricted access to Latin American and Caribbean markets, creating grave economic, environmental and social problems 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 civil societies to increase resistance to the "European project", to the Lisboa Agenda, to transnational corporations (TNCs) based in the European Union and to international 'free' trade policies.

Enlazando Alternativas and the Permanent Peoples' Tribunal started their collaboration in 2004 in consideration of the 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 core of the PPT sessions that have been held this far (Vienna 2006 and Lima 2008) was the identification, analysis and condemnation of the activities of Transnational Companies in selected areas of activity (from extractive to agribusiness, from public and financial services to infrastructure) and their labour practices. The objective was to expose the violations of internationally recognised rights as well as non compliance to established regulations on corporate social responsibility and the restrictions on States' obligations to uphold fundamental rights.

The convergence of the long-standing history of the Permanent Peoples' Tribunal and the activities of Enlazando Alternativas and its members in social movements in both Europe and Latin America contributed to the creation of a new bi-regional space where affected communities link up with campaign organizations who fight for social and environmental justice. This has resulted in the development of people-based transnational legal, social and political strategies of resistance and the identification of effective proposals to strengthen or integrate the current system of international law aimed at protecting and promoting rights in a post-neoliberal system. 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.



## 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) and focused on the mechanisms that cause violations of fundamental human rights. 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 individual case presented to the Tribunal (see [www.internazionaleleliobasso.it](http://www.internazionaleleliobasso.it)) clearly demonstrated that the reported violations did not occur by accident. These are indications and fairly "normal" expressions of the overall policies and specific 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 victims of the violations are.

In total the Tribunal considered 21 cases of transnational corporations from 12 sectors (see Annex 1) operating in Latin American and Caribbean countries. These companies seem to follow similar patterns of behaviour in the way they operate, with a significantly negative impact, 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.

 **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, 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. Those responsible for government become the accomplices of the private actors, be they national or international, and in this way, they 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 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.

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

In light of the accusations presented to the Tribunal sessions in Vienna in 2006 and Lima in 2008, and many other cases reported by different civil society organisations in Latin America and Europe, European public institutions, particularly the governments of member countries and the European Commission, have been shown to be complicit in the systematic violation of the human rights of the peoples of Latin America and the Caribbean.

The European Union, and the European Council and the European Commission in particular, have been accused during the PPT sessions of having built an economic, monetary and financial system that has allowed different human rights violations to occur, and 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 favor, with their political, financial and legal structures, the expansion of the power of Corporate Europe (within the continent and abroad).
- the creation of a single capital market, deregulating the stockmarkets, 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, justifying their privatisation and providing incentives for the flow of capital towards stockmarkets.
- the creation and promotion of the WTO (World Trade Organization) and the current Doha Round, establishing the Financial Services Agreement, the Singapore issues – investment, trade facilitation, competition and procurement – and the General Agreement on Trade in Services (GATS) 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.
- 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.
- 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 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.
- the creation of the European Investment Bank (EIB), that promotes European Foreign Direct Investment in Latin America and the Caribbean and its 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 Lisboa Agenda, which involves dismantling labour regulations and social protection systems, increasing job precarity, the progressive elimination of existing minimum income programs and cuts to unemployment benefits.

In response to this situation, 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 2010, will address these issues and their relation to the operations of European TNCs in Latin America and the Caribbean. It will also 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 block 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 backbone of European policies and instruments in a highly coherent and cross-cutting way, mechanisms to control and regulate the human rights violations that these European companies commit abroad are either non-existent or utterly inadequate.



## **Proposals for the official agenda of the consultation organised by the Office of the United Nations High Commissioner on Human Rights and Transnational Corporations**

As was indicated earlier, there must be increased participation of the victims of the TNCs violations of human rights in the debates on transnational corporations and human rights in the United Nations. The proposal made by the social movements in Latin America – which we in the Bi-Regional Europe - Latin America & Caribbean Network support – is that the current mandate of the Special Representative on Business and Human Rights should establish formal, systematic mechanisms to consult the individuals and communities directly affected by the actions of TNCs in different countries, and that work with the people directly affected by transnational corporations should be implemented. There is no doubt that their accusations and complaints have provided the social pressure and oversight necessary to ensure human rights compliance by states and corporations, and will continue to do so. The work done jointly by the PPT and Enlazando Alternativas has compiled an immense quantity of information, testimonies and evidence of the impacts of the operations of European transnationals in Latin America and the Caribbean. The PPT's conclusions therefore represent a significant source of information for the United Nations.

Indeed, 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 here we must stress the role of the EU member states – 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. But what actually happens in the current neoliberal system is that private interests are substituted for the public interest, and states simply 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, as was earlier indicated in this document. This situation means that the State fails to play its role as the guarantor of human rights. Therefore, not only is it imperative to put pressure on states so that they protect human rights against the impacts of corporate actions, it is also necessary for international bodies to exercise effective control over TNCs.

International human rights law and national constitutions and laws must take precedence to prevent transnational corporations from violating the rights of all humanity. The existence of a hierarchy of legislation needs to be reaffirmed, based on the principle that the rights of human beings are at the top of the pyramid of laws and regulations, and the rights and interests of private companies are subordinate to these. This subordination is not being achieved through the voluntary approach represented by the Global Compact and Corporate Social Responsibility (CSR). Both initiatives are very inadequate guides as to how transnational corporations should protect and respect human rights. When corporations take CSR on board 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, this idea of “super-compliance” associated with CSR is not reflected in corporate regulations, which should state that they refuse to participate in or fund projects with a negative impact on the environment or on human rights, for example. So far, not a single transnational corporation has included this undertaking in its statutes. Furthermore, CSR is structured around the principle that it is unilateral and voluntary, and this is used to defend the total lack of means to control the content of CSR policies, their mechanisms and the procedures for evaluating them. This is undoubtedly the case in the Global Compact, where there are no measures to effectively verify whether the signatory TNCs are complying with its principles.

National and international public institutions must enforce existing laws effectively. They should also pass internationally binding laws to oblige TNCs to apply the same standards of respect for human rights everywhere, regardless of the country where they are operating. The Bi-Regional Europe - Latin America & Caribbean Network supports the call made in the Permanent Peoples' Tribunal Lima Judgement that the United Nations Human Rights Council present a report to the General Assembly that contains a proposal to enshrine the concept of illegitimate, ecological and historical debt, and to adjudicate violations of economic, social and cultural rights by governments, financial institutions and transnational corporations against individuals and peoples, and to this effect set up an International Tribunal<sup>2</sup> to judge economic and environmental crimes, to which individual and collective victims can turn as legitimate plaintiffs.

2. The reports prepared by the UN rapporteur on human rights, Martin Scheinin, and the rapporteur on torture, Manfred Nowak, as part of the Swiss Initiative, contribute to the debate that is needed on the relevance of setting up a World Court on Human Rights, in which the abuses committed by large corporations could be judged.



**Questions of The Bi-Regional Europe – Latin America and the Caribbean  
“Enlazando Alternativas” Network for the “Business and Human Rights”  
Consultation organized by the Office  
of the United Nations High Commissioner in Geneva, Switzerland,  
October 5th and 6th, 2009:**

- What is the Special Representative of the Secretary General on Human Rights and Transnational Corporations' position on the proposal elaborated by the Rapporteur on Human Rights, Martin Scheinin, and the Rapporteur on torture, Manfred Nowak, on the creation of a tribunal to judge transnational corporations? Do you believe that the economic and political fortress and the legal-institutional framework that protect the interests of transnational corporations (the WTO and its Dispute Settlement System, the ICSID, regional and bilateral trade and investment agreements...) require a system of control that is far stronger than the one established by the Global Compact – that is, an international ad hoc tribunal?

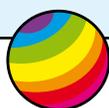
- Why does the United Nations not elaborate a specific code to regulate transnational corporations' obligations, such as the Norms of the Responsibilities of Transnational Corporations and Other Business Enterprises with regards to Human Rights, introduced already in 2003 in the UN?

- Why is the Global Compact the main reference for controlling transnational corporations within the UN framework?

- Do you not agree that the UN should create a Centre on Transnational Corporations that collects, investigates and verifies denunciations of human and environmental rights violations committed by transnational corporations?

The role of such a Centre would be to validate TNCs' contribution in the human development of host countries. The management of the Centre should be, as is the case of the ILO, tripartite with the participation of States, businesses and social and trade union movements. One must take into account the fact that in the Eighth meeting of the UN Human Rights Council last April, Mr. Ruggie opposed the inclusion of any mention of the reception of information on violations committed by Transnational corporations in the resolution that extended his mandate. This is contrary to what is included in practically all mandates of special representatives.

- If you accept the need for States to protect the rights of their citizens and that in general, these are “insufficient, imperfect and limited”, what is your opinion on the withdrawal of countries like Bolivia and Ecuador from the ICSID? What is your view on the denunciations of bilateral and regional trade and investment agreements, especially when the governments mentioned consider that these agreements affect the human rights of the citizens of their countries? Do you not agree that the United Nations should situate judicial guarantees of human rights at a higher level than investors' rights?



## 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 Neocolonialism:

Mining: MONTERRICO METALS (England)  
Petroleum: REPSOL (Spanish State), SHELL (Holland-England)  
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

##### Casualisation and the Exploitation of Labour

Agro-foods and Non-Traditional Exports: CAMPOSOL (Norway), CERMAC MAINSTREAM (Norway), MARINE HARVEST (Norway), UNILEVER (Holland-England)

##### Infrastructure for Plunder

Metalwork and Infrastructure: THYSSEN KRUPP (Germany), SKANSKA (Sweden)

##### Privatisation of Public Services and Fundamental Rights

Electricity: SUEZ (France), UNION FENOSA (Spanish State)  
Water: AGUAS DE BARCELONA - PROACTIVA (France, Spanish State)

##### Ecological and Social Debt

Agro-chemicals: BAYER (Germany), SHELL (Holland-England)

##### Financial System 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)  
Petroleum: SHELL (Holland-England)

#### Organisations and social movements involved in the organization of the PPT and 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 Guaraní 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 CEADDESC (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), Movimiento dos Atingidos por Barragens-MAB (Brazil), Movimento dos Sem Terra- MST (Brazil), Movimiento Social Nicaragüense (Nicaragua), Movimiento de los Afectados por el Nemaqón (Honduras), Movimiento de los Afectados por el Nemaqón (Nicaragua), Observatorio de Conflictos Mineros, Centro de Ecología y Pueblos Andinos- CEPA (Bolivia), Observatorio de Multinacionales 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 Atrarraya 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 Sintraeolcol (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

Founder: Lelio Basso / President: Salvatore Senese

Fondazione Lelio Basso – Sezione Internazionale ([www.internazionaleleliobasso.it](http://www.internazionaleleliobasso.it))