



## FINAL STATEMENT

### **From the Global Campaign Dismantle Corporate Power and Stop Impunity** Regarding the **WEEK OF MOBILIZATION TO STOP CORPORATE CRIMES AND IMPUNITY**

Social movements demand access to justice for those affected by human rights violations and ecological crimes committed by corporations!

July 2014 - The ongoing and past violations of human rights by Transnational Corporations (TNCs) urgently demand radical action. Tragedies like the 2013 Rana Plaza disaster in Bangladesh that killed 1,132 factory (mostly women) workers, the 2012 Marikana massacre of 34 miners in South Africa, the destruction caused by Shell in Nigeria's Ogoniland and the decades-long devastation caused by Chevron in the Ecuadorean Amazon – along with countless others – are evidence of the immediate necessity for access to justice and remedy for victims.

On June 26<sup>th</sup>, 2014, the United Nations Human Rights Council (UNHRC) adopted a resolution establishing an intergovernmental working group with the mandate of drafting a legally binding instrument to enforce human rights obligations on Transnational Corporations. After intense debate, a majority of twenty member states of the UNHRC, representing a population of 3.8 billion people, voted in favour of this historic resolution. Human rights defenders and communities affected by TNCs along with social movements and campaign networks played a key role in achieving this important historic victory.

Considering previous attempts to establish a legally binding human rights regime for TNCs, the intergovernmental process to develop a broad-ranging treaty on business and human rights will be intense and inevitably lead to confrontations with corporate power. Despite these considerable hurdles, social movements, human rights defenders and affected communities are engaged to win this battle. **The Global Campaign to Dismantle Corporate Power** – a network of social movements, organizations, campaigns and affected communities – is determined to strengthen the mobilization of a broad and sustained counter-power that will ensure that the scope, content and applicability of such an intergovernmental Treaty responds to the needs of victims.

The social movements, networks and organizations from the Global Campaign to Dismantle Corporate Power and Stop Impunity are collectively building an **International Peoples' Treaty** that affirms an alternative vision of law and justice coming from the PEOPLE.<sup>1</sup> The International Peoples' Treaty places the people as the paramount subjects, political actors and source of the laws and norms of a political, economic and legal system that challenges the current framework of extraordinary privileges and impunity enjoyed by TNCs. The International Peoples' Treaty is above all a political document and process that emerges from the need to fight against the existing architecture of impunity and the urgent demands for a binding legal norm in order to stop corporate abuses. Even though the term "Treaty," legally refers to a document signed by states, our vision is that the people, beyond states, can make law: we defend the notion of international law "from below."

It is from within this radical and subversive framework that the will and determination emerges to overcome the lack of imagination and political will of those saying that a binding Treaty on TNCs is impossible. While The Peoples Treaty represents a political vision from below, it is complimentary to the intergovernmental binding instrument set to be negotiated by the UNHRC inter-governmental process. The Global Campaign to Dismantle Corporate Power welcomes the possibilities opened by the resolution to move away from the dominant model of voluntary and non-binding rules for TNCs towards a genuine legal regime that will provide access to justice for victims of corporate violations of human rights.

Building on this context of resistances and struggles against corporate power, **The Week of Mobilization to Stop Corporate Crimes and Impunity** (Geneva, June 23-27) was organized by a coalition of social movements, networks and civil society organizations known as the Treaty Alliance. Events took place during the last week of the 26th session of the UNHRC, when the Council was scheduled to discuss and vote on whether or not to launch a process to create a binding human rights

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<sup>1</sup> The International Peoples' Treaty [base document](#) and a Global Consultation process was launched during the Week of Mobilization.

instrument for TNCs. The Week of Mobilization represented an important moment for social movements and civil society organizations to converge and work collectively for a stronger and more effective system to defend human rights from corporate violations, and the rights of those affected by environmental crimes.

The goal of this Week of Mobilization was not only to pressure the UNHRC on the issue of binding regulations for TNCs but also to expose the global political and economic 'Architecture of Impunity' that for decades has been protecting the operations of TNCs at the expense of human rights. This political, economic and legal regime is made possible through the following mechanisms: Investment Agreements; Investor to State Dispute Settlement (ISDS) provisions and arbitration tribunals such as World Bank's ICSID; the World Trade Organization dispute settlement mechanism; the International Monetary Fund's imposed structural adjustment programs which are now being replicated in Europe by the Troika & Competitiveness Pact policies; multi-lateral and bi-lateral Free Trade Agreements (FTAs) such as the North America Free Trade Agreement (NAFTA), FTA EU-Colombia, Transatlantic Trade and Investment Partnership (TTIP), Transpacific Partnership (TPP) and the Trade in Services Agreement (TISA), among others.

The Week of Mobilization combined effective strategies in Geneva outside and inside the UN, with sustained advocacy work in national capitals. The activities included a hearing of the Permanent Peoples' Tribunal; the launch of the Campaign's Peoples Treaty base document and a Global Consultation process; a number of Side Events within the UN; frequent advocacy meetings with member state delegations; a Press Conference; a Conference on Human rights compliant and sustainable food systems & Extraterritorial Obligations (ETOs); and a mobilization outside of the UN followed by a tour of corporate hotspots in Geneva, including the WTO.

The Global Campaign to Dismantle Corporate Power co-organized the **Geneva Hearing of the Permanent Peoples' Tribunal** on Monday June 23<sup>rd</sup> where representatives from affected communities testified on the disastrous impacts of corporate activities, such as the decades-long oil pollution by Chevron in the Ecuadorean Amazon<sup>2</sup> and by Royal Dutch Shell in Nigeria. Other cases exposed how human rights have been systematically violated also by the Coca-Cola Company in Colombia; by Israel's water services company Mekorot in Palestine;<sup>3</sup> and by the Spanish Hydro dam company Hidralia in Guatemala. The mining industry was also on trial through the cases involving the Canadian company Pacific Rim Mining/Oceana Gold Corporation, in El Salvador, and the United Kingdom based Lonmin Corporation in South Africa. The case of Anglo-Swiss Glencore was emblematic of the global reach of a single mining company, and testimony from communities affected by Glencore in Peru, Colombia, Zambia, the Democratic Republic of Congo and the Philippines provided a clear example of how TNCs can violate human rights worldwide with complete impunity. Cutting across all of the cases presented during the hearing was a systematic lack of access to justice for the victims of intimidation, persecution, murder and environmental destruction.

This PPT hearing was a continuation of the three previous sessions organized by the bi-regional network Enlazando Alternativas to judge 46 cases of human rights violations committed by European TNCs in Latin America. Like its predecessors, the Geneva hearing put a spotlight on the actions of TNCs, the complicity of governments in ongoing violations and how the dominant global legal, economic and political regime allows TNCs to act with impunity. The hearing in Geneva is also linked to other processes, such as the PPTs in Mexico and Canada, the preparation for a Session on TNCs violations in Southern Africa, another regarding the retail industry in Asia, as well as the one about the Rights of Nature organized to run parallel to COP20 in Peru in December 2014.

These political processes, led by social movements, affirm that the battle for an alternative juridical framework is a much broader and fundamental struggle to abolish the hegemonic corporate regime of domination, and to establish peoples' sovereignty over the commons and reclaim public interest from corporate capture.

**Stop the architecture of corporate impunity!**

**Dismantle the regime of corporate power!**

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<sup>2</sup> The case of Chevron in Ecuador is emblematic of the need for a binding treaty. After 20 years of litigation marked by disputes over jurisdiction, the 30,000 people affected by the company won a case against Chevron in Ecuador's Supreme Court. However, the company refuses to pay the court ordered compensation in absolute disrespect of the Ecuadorean juridical system.

<sup>3</sup> In the context of the bombing of Palestine territory, the "water apartheid" imposed upon the Palestinian people by the State of Israel and its water services transnational corporation Mekorot is yet another evidence of Israeli state's crimes against humanity. The Global Campaign expresses its solidarity with the people of Palestine and their struggle against the military occupation, the escalation of violence against innocent civilians and the transnational corporations that profit from these.