

# 10 YEARS AGO 10 YEARS AHEAD THE GLOBAL CAMPAIGN TOWARDS 2032



# 10 years 2022

This brochure is but one of many initiatives commemorating the tenth anniversary of the Global Campaign to Reclaim Peoples' Sovereignty, Dismantle Corporate Power and Stop Impunity. To learn more, to join the Global Campaign or to keep up-to-date with our activities and coming publications, access:

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# 10 YEARS OF STRUGGLE

The Global Campaign to Reclaim Peoples' Sovereignty, Dismantle Corporate Power and Stop Impunity is a structured and systematic response to unaccountable corporate power worldwide. Launched in 2012, it brings together social movements, affected communities, labour unions, campaigns, networks and organizations that struggle, strategize, exchange experiences and support each other throughout many countries of the world. To face transnational corporate power, we gather transnational strength and solidarity.

In 2022, we celebrate 10 years of struggle—and there is plenty to celebrate!

But, just as it was in 2012, we still live in a world where the rights of corporations are legally secured and politically supported, while most of the rights of peoples and nature are voluntary, toothless and violated with impunity.

In these 10 years, capitalism has drastically changed, but transnational structures that protect capital to the detriment of peoples, nature and states have only evolved, and mostly in capital's favour.

New corporations have arisen, and data is now oiling the engines of capitalism. But the drilling and controlling of our data did not erase the drilling and controlling of raw materials, especially in the Global South. The same old corporations, along with the new, data-driven ones, share their systemic and unaccountable violation of peoples' and nature's rights. They just look greener and cooler now.

Unlike 10 years ago, though, there is now a clear process within the United Nations Human Rights Council: the mandate to create an international, legally binding instrument that regulates the activities of transnational corporations – the UN Binding Treaty.

Unlike 10 years ago, there are now more than 250 organizations spread through five continents articulated, organized and in permanent mobilization to fight together for the peoples and the planet.

We are the Global Campaign.



# BACKGROUND

The idea of a campaign came together after years of collaboration between social movements and civil society organizations from different regions to expose transnational corporations' violations and their impunity.

Launched in 2006, the *Enlazando Alternativas* was a culminating moment of collaboration, a social movement and a multi-sectoral alliance that brought together networks from across Latin America and Europe. It developed two main tracks of work: critically engaging with the EU-Latin America Trade and Investment agreements as the architecture of Transnational Corporations (TNC) impunity; and popularizing a peoples'-based vision of alternative regionalism—in the framework of a Peoples' Agenda for Alternative Regionalism (PAAR).

A major part of this work was focused on the resistance of affected communities to the role of TNCs, particularly European corporations, in aggressively pushing the neoliberal agenda of privatization of public services and extractivism of natural resources. This participative process led to a series of Permanent Peoples' Tribunal (PPT) Hearings, with culminating moments in Madrid (2010), Vienna (2016) and Lima (2018). These PPT processes were later extended to the analysis and denouncing of TNC's operating in the southern Africa region.

These hearings also resulted in significant mobilizations between Europe and Latin America, and consolidated peoples' bonds to one another, setting the stage for inter-continental mobilizations such as those against the Free Trade Area of the Americas (mostly known by its Spanish acronym, ALCA), the Hemispheric Social Alliance and the World Social Forum (WSF), during a time of progressive governments in Latin America (in Brazil, Venezuela, Bolivia and Ecuador). It also effectively exposed European Union Free-trade Agreements and Bilateral Investment Treaties as the pillars of the architecture of impunity for the criminal operations of TNCs.

**#BindingTreaty**  
**#StopTNCImpunity**

## The final PPT Hearing and Judgement in Madrid (2010)

These PPTs had an impressive cumulative effect, bringing together 40 case studies from many countries in Latin America and the Caribbean. It was clear, then, that it was necessary to denounce the systemic character of these violations. We weren't talking about isolated incidents, but of widespread environmental destruction and systematic violations of people's rights, deeply embedded in the neoliberal model of corporate globalization itself, that were too often met with impunity.

It was also about the same period that John Ruggie, Special Representative of the United Nations Secretary General at the time, Kofi Annan, was finalizing his proposal for "voluntary regulations for corporations", the UN Guiding Principles (UNGPs).

PPT Madrid clearly identified another path:

"We are not referring here to the concept, described as voluntary, of a self-regulated market based on a code of good practices, which defines corporations' social and environmental responsibility, but rather to a mandatory legal framework in the context of international law. This must be one of the first steps on the path to creating a different world order".

While the PPT Madrid consolidated this shared view on the need of binding regulations for corporations, and a rejection of further voluntary measures, it needed to be socialized and transformed into a coherent strategy. We not only needed to continue exposing the persisting violations committed by TNC worldwide, but we had also to articulate collectively a vision of a binding regulatory framework that included the dismantling of the architecture of their impunity.

Movements and organizations emerging from the PPT process, thus, held exchanges and consultations for over a year and half; and, in June 2012, over 150 organizations, networks and movements from Latin America, Africa, Asia, Europe, the United States and Canada signed a call for international action against TNCs during the Rio+20 Peoples' Summit.

The Global Campaign to Reclaim Peoples' Sovereignty, Dismantle Corporate Power, and Stop Impunity was launched.

Until then, TNCs, with the complicity of governments, had successfully avoided every attempt of international binding regulations. Now, the crucial difference was the broad mobilization of affected communities, social movements, trade unions, women's, Indigenous movements and environmental networks determined to put binding regulations for TNCs at the top of the international agenda.

# TO FACE TRANSNATIONAL CAPITAL, TRANSNATIONAL SOLIDARITY

The shared reality of transnational corporate violations and their flagrant impunity is what brought the Global Campaign together. It was clear, after decades of local and regional struggles, that only transnational solidarity could stop the plunder of our planet and of people's rights.

Although corporate violations and impunity are widespread, some struggles have been intrinsic to the identity of the Global Campaign. These iconic struggles are the reason we fight, as they are the backbone of our strategies and actions. Combining resistance, through mobilization, popular education and juridical cases, along with the development of alternatives, we have pushed corporate accountability to the top of the international agenda.

The story of the campaign is intertwined with the battles of these struggles.

Their developments, in the last 10 years, show that the voice and power of organized affected communities can open pathways to justice—but there is still much work to do.

Here we have an overview of some of these struggles. It is an open invitation to learn their battles and to engage in our struggle for rights to people and rules to corporations.

**Amadiba Crisis Committee**, Xolobeni, Eastern Cape, South Africa

**Marikana Massacre**, South Africa

**The Jindal-POSCO Pratirodh Committee**, Dhinkia, Odisha, India

**Bhopal Gas Leak-affected communities**, India

**The Movement of People Affected by Dams**, Minas Gerais, Brazil

**Uganda affected communities vs Total**, Uganda

**Council of Popular and Indigenous Organizations of Honduras**, Honduras

**Union of People Affected by Chevron-Texaco – UDAPT**, Ecuador

**Tampakan Forum**, Phillipines

**Nuclear/Coal-Free Bataan Movement**, Phillipines

**The Crimes of Rana Plaza**, Bangladesh

**Nigerian farmers and fisherpeople against Shell**, Nigeria

**Nuclear/Coal-Free Bataan Movement**, Phillipines

**Indonesia Focal Point on TNCs Crimes Advocacy**, Indonesia

# RIGHTS FOR PEOPLE, RULES FOR CORPORATIONS

## International Law from Below

This collaboration among movements and displays of international solidarity show one feature clearly: to stop corporate impunity, we need international regulation of transnational corporations.

The backbone of the campaign, these iconic struggles, coupled with the experience coming out of the popular peoples' tribunals, made it clear that the dispute over international law would be at the core of the Global Campaign.

The over-specialization of the field has always tried to convey that international law is about technicalities rather than politics. However, laws institute rights, and rights should be for people and nature, not corporations. To face *Lex Mercatoria*, the international legal framework protecting corporate interests to the detriment of peoples, states and the planet, the Global Campaign had to address **Free Trade Agreements**, Investment Agreements and their **infamous Investor-State Dispute Settlements** and **Intellectual Property Rights** as well as the institutions that push and guarantee them (the World Trade Organization, the International Monetary Fund and the World Bank).

A central stage was given, however, to the development of an internationally binding instrument where human rights and norms were put above corporate interests.

In the beginning of 2011, we began the collective writing of the **International Peoples' Treaty on the Control of Transnational Corporations**, published in 2014. For the first time, with the assistance of dozens of activist-lawyers and the experience of social movements and affected communities, there was a treaty proposal regulating business where human rights and communities' demands and aspirations took precedence over corporate greed. In June 2014, the campaign organized the **first week of mobilizations**, welcoming activists, social movements and international networks in Geneva, which has been repeated every year since, mounting to up 120 delegates each time until the beginning of the COVID-19 pandemic.

On 14 July 2014, during the 26<sup>th</sup> regular session of the Human Rights Council, a **group of 20 countries** approved, against 14 opposing votes and 13 abstentions, Resolution 26/9. Proposed by Ecuador and South Africa, it determined the “**elaboration of an international legally binding instrument on transnational corporations and other business enterprises with respect to human rights**”.

To that end, it also mandated an **Open-Ended Intergovernmental Working Group (OEIGWG)** to meet every year, and to draft a proposal by its third session. During its first session, Maria Fernanda Espinosa, Ecuadorian Ambassador, was elected as chair of the OEIGWG, and since then it is the Ecuadorian Head of Mission in Geneva that always fills this same role.

The path was then legally open for the **UN Binding Treaty**.

## The UN Binding Treaty

Because International Human Rights Law typically regulates the role and responsibilities of states, violations committed by transnational corporations have not been addressed. Their crimes became normalized, just business as usual. Impunity, however, shouldn't follow the freedom corporations enjoy to move money and operations across countries. Since the 1970s, therefore, with the creation of the UN Commission on Corporations, there have been several attempts to internationally regulate transnational corporations' activities.

However, until Resolution 26/9, the international community had only managed to agree on a series of voluntary measures (**Code of Conduct**, 1987; **Guiding Principles on Business and Human Rights**, 2011). Although every treaty is supposed to be binding, by calling it the UN Binding Treaty, the Campaign emphasizes the need of regulations that can be internationally enforced to protect communities and hold corporations accountable for their crimes. By focusing on protection, remedy, prevention and access to justice for affected communities, the UN Binding Treaty can close this huge gap in international law and stop corporate impunity.

Thus, since the very beginning, and through many different strategies, the Global Campaign has been involved in the process, but we haven't been alone: we are founding members of the Treaty Alliance (2013) and allies with the Feminists for a Binding Treaty (2015) and other networks and movements in active support for a Binding Treaty.



Between 2014 and 2017, when an official document was finally on the table, the campaign worked diligently with experts and affected communities. Our main purpose then was to popularize the content of our proposals, the Peoples' Treaty, and to interact closely with states' missions in Geneva to push for a treaty whose format, scope and clauses effectively protect peoples' rights against corporate violations.

Intense advocacy work, then, combined with activities and demonstrations in Geneva, made sure the voice of the affected communities was heard by missions and negotiators. Building international law from below paid off: the first draft on the table (**Elements Paper, 2017**) reflected the most important points of our Campaign's demands: a subsidiary international tribunal, direct obligations to transnational corporations to respect human rights and the primacy of human rights over any trade or investment agreement.

**2014:** Ideas and Proposals for advancing work on the International Peoples Treaty on the Control of Transnational Corporations

**2015:** Eight proposals for the new legally binding international instrument on Transnational Corporations (TNCs) and Human Rights

**2016:** Six concrete proposals of the Global Campaign for the binding instrument – Contribution to the Second Session of the OEIGWG

**2017:** Treaty on Transnational Corporations and their Supply Chains with regard to Human Rights

However, it was not only in the streets or events that the demands of social movements and affected communities could be heard. Some of the founding members of the Campaign were accredited to join and speak during the sessions of the Human Rights Council (ECOSOC status): they gave the floor to affected communities, so cases of transnational corporate violation and impunity were also **heard inside the UN**.

## Affected communities speaking at the UN as a member of the Global Campaign

African Women Unite Against Extractives Natural Resource Extraction – WoMin

Alternative Information Development Centre – AIDC (South Africa)

Alyansa Tigil Mina – ATM (Philippines)

Anti-Apartheid Wall Campaign – Stop the Wall (Palestine)

Asociación de Desarrollo Económico Social – ADES (Santa Marta, El Salvador)

Association Internationale de Techniciens, Experts et Chercheurs – AITEC (France)

Association of Mineworkers and Construction Union -South Africa (AMCU)

Centro de Derechos Económicos y Sociales – CDES (Ecuador)

Comité pour l'abolition des dettes illégitimes – CADTM International

Fundación de Estudios para la Aplicación del Derecho – FESPAD (El Salvador)

Global Forest Coalition – GFC

Indonesia Focal Point on TNCs Crimes Advocacy

Instituto Internacional para la Acción Noviolenta – NOVACT (Spain)

La Via Campesina – LVC

LAB (Euskal Herria/País Vasco)

Movimento de Atingidos por Barragens – MAB (Brazil)

Observatorio de la Deuda en la Globalización – ODG (Spain)

Observatorio Petrolero Sur – OPSur (Argentina)

SENTRO (Philippines)

SETEM (Catalonia)

Trade Union Confederation of the Americas – TUCA

Transnational Migrant Platform

Unión de Afectados por Texaco – UDAPT (Ecuador)

War on Want (England)

World March of Women – WMW



Starting in 2017, the treaty entered negotiations mode. Since the very first written proposal, the campaign publishes, every year, **a comprehensive analysis of every draft**. These texts reflect the demands and aspirations of affected communities, and serve as the base for our webinars, conferences, events, round tables and year-long advocacy work. This work leaves the pathways open to a dynamic and living dialogue among affected communities and governments, both at home and in Geneva. At the same time, it counters the interventions and narratives of corporations voiced through the International Organization of Employers (IOE) and the International Chamber of Commerce (ICC).

The Binding Treaty process reflects the articulation of the juridical and political struggles, which complement and reinforce each other. This constant interchange among communities, activists, networks and social movements, in its tenth year, reflects the interdependence of the struggles against corporate power and impunity in so many countries and regions. All the work we carry within the UN comes out of concrete struggles being fought on the ground, every day, everywhere on the globe.

## the Binding Treaty spills over

The Campaign's advocacy work is not limited to Geneva or states' capitals. To support the implementation of the future treaty and build national capacity to regulate transnational corporations, there has always been a close connection among the Global Campaign and members of national and regional parliaments. Starting off with a **roundtable in the European Parliament in 2013**, the **Global Interparliamentary Network (GIN)**, with over 200 parliamentarians, sends a delegation every year to the week of mobilizations in Geneva.

Organizing side events, press conferences and interventions at the Human Rights Council, GIN members have also been actively working nationally and regionally, either proposing legislation that complements the UN Binding Treaty or opposing legislation that weakens the regulation of transnational corporate power. Since 2021, **local authorities have also joined the call for a binding instrument** to protect their cities from corporate capture, violations and impunity.

### **Due Diligence legislation:**

As the Binding Treaty advances in the UN, and cases of human rights violations by TNCs keep happening, some Global North countries have begun to act in the direction of the regulation of their companies and respective value chains. Countries like France and Germany have already approved due diligence legislations. More recently, the European Union has also started a regional process towards an EU Corporate Sustainability Due Diligence Directive. However, what seems like a very good first step in the right direction might end up being another toothless distraction from effective regulation of TNCs. **GIN MEPs have been fiercely struggling** so that the EU directive on due diligence doesn't become just a ticking-box list for corporations instead of effectively protecting peoples' rights all along value chains.

### **Brazilian Framework Legislation:**

In 2022, GIN members proposed to the Brazilian Parliament a piece of legislation that truly complements the efforts of the UN Binding Treaty. With the support of Brazilian activist-lawyer members of the Campaign, the bill focuses on access to justice, and is being studied by other GIN Latin American parliamentarians so it can be adapted and proposed to their national legal frameworks, too.



# 10 YEARS – AND NOW?

Ten years into the Global Campaign: it is important we keep our eyes on the horizon ahead.

Decades of global corporate law have pushed the idea that TNC's impunity is how things are and will always be. The joint work of the Global Campaign, the Treaty Alliance, Feminists for a Binding Treaty and others, together with governments, mainly from the Global South, have broken this taboo and proven it wrong.

We cannot forget that the Binding Treaty process is a game changer. It can impose direct obligations on TNCs, addressing their persisting violations, while confronting the very architecture of neoliberal globalization as well as the gaps in international law that have failed to address the operations of TNCs.

The seventh session of the OEIGWG, held in October 2021, still in the shadow of impacts of the COVID-19 pandemic, brought a renewed dynamic to the negotiations of the Binding Treaty, with 69 governments participating along with a significant mobilization of civil society organizations.

After many twists and turns of the process, and many attempts from the US and Europe to derail, weaken and discredit it, the treaty has somewhat reached safer grounds, also thanks to the strong commitment from many states in the Global South. Even **G7 labour and employment ministers** and **G7 summit leaders** acknowledge it and use the language of Resolution 26/9. It seems that finally the Binding Treaty is here to stay.

The focus, now that we move towards the eighth session in October 2022, is very much on content. It is, however, no minor challenge to ensure a robust treaty, one that demands coordinated and complementary initiatives at the national, regional and UN level. The determining factor in the outcome will be the engagement and voices of the Global Campaign, creating momentum and broad alliances to make sure as many governments as possible fight for and approve a strong and effective Binding Treaty.

# A GLOBAL CAMPAIGN TO REGAIN PEOPLES' SOVEREIGNTY

To reclaim peoples' sovereignty, we need states and an international system that reflect peoples' needs and aspirations. Democracy cannot survive if those governing our future today are political advisors of transnational corporations tomorrow. If finances run free, without taxation and regulation, the logics of profit and spoliation will continue to roll over peoples' rights and the planet.

Despite the re-branding of corporations in which Shell can be green and BlackRock can be feminist, corporations are only accountable to their shareholders, whose only untiring work is to make sure their share prices continue to increase. States need to take back the wheel, and we, the people, need to take back the state.

While peoples' mobility is restricted by hard and racist immigration laws, capital runs free, and is politically organized by the World Economic Forum (WEF). Multistakeholderism, the phenomenon through which corporations sit, on the side of states, at international decision-making tables, is now a reality in every field of global governance. The WEF takeover of multilateralism has begun.

To the detriment of states, especially from the Global South, and civil society, these multistakeholder bodies, very often initiated by mega alliances of TNCs, now set the agenda and propose solutions to the challenges they themselves have framed and defined. They fail to mention, however, that they are mostly responsible for the crises they propose to address.

Corporate social responsibility, UN Guiding Principles, due diligence legislation, and human rights clauses in free trade agreements haven't and won't stop corporations alone. While some governments and transnational corporations keep pushing for partial or voluntary measures, we say loud and clear that only an international binding instrument with teeth can regulate corporations' activities – whether in the field of operations or in global governance – and open the path for justice, democracy and a renewed and popular multilateralism.

This is, however, a challenge, and it demands gaining renewed momentum and traction in the midst of the multiple interrelated crises we live now. They show day in and day out that TNCs are at the centre of the vortex that currently threatens both people's lives, their ways of living and the planet. The challenge remains for the Campaign to transform this shared standpoint into political strategy and action.

The interconnectedness and similarities of the iconic struggles structuring the wills and strategies of the Global Campaign show that the globalization of production entailed the globalization of corporate violations and impunity. We hope this brochure will remind us all of what has been done, so we can keep dreaming and working together, in solidarity, to tailor the future and make the dream our shared reality.

## Acknowledgements

This brochure was written by the many hands and wills moving the Global Campaign for the last 10 years. It comes out of interviews, conversations, published documents, meeting notes and many other direct and indirect sources related to this decade-long work. Naming all involved is not possible: this brochure is a collective narrative.

As you can read throughout these pages, this is not just a story, but history being written by the people organized and mobilized to reclaim peoples' sovereignty, dismantle corporate power and stop impunity.

We dedicate this text to the ongoing struggles and resistances of the affected communities and peoples.

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**Global Campaign:** <https://www.stopcorporateimpunity.org/list-of-signatories>

**GIN:** <https://bindingtreaty.org/>

**OEIGWG:** <https://www.ohchr.org/en/hr-bodies/hrc/wg-trans-corp/igwg-on-tnc>

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