
Founder: Lelio Basso

President: Salvatore Senese

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

Lima, 13th-16th May 2008

RULING

Members of the Jury:

François Houtart (*President*, Belgium), Vilma Nuñez (*Vice President*, Nicaragua), Blanca Chancoso (Ecuador), Miren Etxezarreta (Spain), Franco Ippolito (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 General Secretary*, Italy).

**LELIO BASSO FOUNDATION – INTERNATIONAL
SECTION**

www.internazionaleleliobasso.it

1. INTRODUCTION

The Permanent People's Tribunal (PPT), created in 1979 as the successor to the Russell Tribunals on Vietnam (1966-1967) and on the Latin American Dictatorships (1974-1976), has the mission, according to its calling and its Statutes, to raise awareness of all those situations in which the massive violation of fundamental human rights receives no institutional recognition or response, whether at a national or an international level, and to qualify such situations in legal terms. In more than 25 years of history, throughout its 35 sessions, the Permanent People's Tribunal has accompanied, anticipated and given backing to the struggles of people against the broad spectrum of violations of their fundamental rights, including the denial of self-determination, foreign invasions, the new economic dictatorships and slaveries and the destruction of the environment.

The jury, appointed by the Presidency of the Permanent People's Tribunal was made up of:

François Houtart (Belgium), President of the Session, Founder of the Centre Tricontinental (CETRI) and the magazine “Alternatives Sud”

Vilma Nuñez (Nicaragua), Vice President, Lawyer and President of the Nicaraguan Centre for Human Rights

Blanca Chancoso (Ecuador), coordinator of the “Dolores Cacuango” School of Women Leaders in the Ecuarrunari

Miren Etxezarreta (Spain), Emeritus Professor of Applied Economics at the Autonomous University of Barcelona, member of the Euromemorandum Group of European alternative economists

Franco Ippolito (Italy), Judge for the Supreme Court in Casación, Italy and for the PPT. Ex-President of the Democratic Magistracy and ex-member of the Superior Council of the Magistracy in Italy

Edgardo Lander (Venezuela), Professor in Social Sciences at the Central University of Venezuela in Caracas, member of the research group on Hegemony and Emancipation at the Latin American Council of Social Sciences (CLACSO)

Francesco Martone (Italy), Former Italian Senator

Lorenzo Muelas (Colombia), Former Colombian Senator and current Governor of the Guambiano people. Writer and defender of the rights of Indigenous Peoples

Patricio Pazmiño (Ecuador), President of the Constitutional Tribunal of Ecuador

Roberto Schiattarella (Italy), Professor of Economics at the University of Camerino. Researcher on European Transnationals

Giulia Tamayo (Peru), Human Rights activist in Peru

Alirio Uribe (Colombia), President of the José Alvear Restrepo collective of lawyers in Colombia. Human Rights defender

Gianni Tognoni (Italy), PPT General Secretary.

1.1. Justifying the existence of a Permanent People's Tribunal on European Transnationals and their impact on Latin America and the Caribbean.

The opportunity and indeed the need to call for a formal session of the PPT was recognised at the PPT's own hearing in Vienna in May 2006, which concluded that "the complexity and gravity of the accusations and the corresponding violations requires further investigation."¹

At the heart of the PPT's concerns is the impact that European economic policy has on living conditions and the validity of fundamental rights for a large part of the Latin American population. Priority seems to be given to the recognition of corporate interests, at the cost of the principles of sustainable development and the human rights of the peoples. This tendency, already clearly demonstrated at the hearing in Vienna, was confirmed by the strategic document "Global Europe-Competing in the world", published in October 2006, which foresees a new generation of bilateral agreements to ensure the interests of European companies abroad.

The network of organisations represented at *Enlazando Alternativas 3* requested the official convening of the session at the end of 2007. Applying its statutory investigation period, the PPT accepted the request, which was felt to be particularly relevant to the institutional role of the PPT for two basic reasons:

1. The peoples, movements and the diversity of actors participating in EA3 (*see Appendix I*) together represent one of the most important expressions of the struggle for peoples' rights. That struggle is the *raison d'être* of the current session of the PPT, which bases itself on the Universal Declaration of Peoples' Rights, Argel, 1976.
2. The issues included in the request constitute a valuable opportunity to continue and amplify the investigatory function of the PPT into the relationship between economic laws and Human and Peoples' rights. This has been a work in progress since the creation of the PTT in 1979, based on a series of trials that included issues such as :
 - The role of transnational corporations in the Latin American dictatorships (Brussels, 1975);
 - The causes of the impunity enjoyed by those who committed crimes in Latin American countries (Bogota, 1991);
 - The conquest of Latin America and the origins of International Law (Venice, 1992);
 - The Bhopal disaster and corporate irresponsibility (Bhopal, 1991 - London, 1994);

¹ In Vienna the cases of the following companies were considered: Suez, Aguas de Barcelona, Union Fenosa, ING, Rabobank, ABN AMRO, BBVA, British Tobacco, Unilever, Telefónica, Calvo, Marine Harvest, Andritz, Botnia, Ence, Aracruz Celulosa, Monterrico Metals, Benetton, Bayer, Cargill, Bunge, Hendris-Nutreco, Vion Food Group, BP, Repsol-YPF, Consorcio OCP, Riu Resorts, Ibero Star, Oasis, Gaia, Viva, and the German cooperation agency GTZ – for more information see: <http://peoplesdialogue.org/es/node/41>

- Transnational corporations in the textile, clothing and sportswear industry and their impact on workers' rights and the environment (Brussels, 1998);
- The malpractices of transnational corporations (Warwick, 2001);
- The role of transnational corporations in Colombia (Bern, 2005 – Bogota, 2006 - 2008).

For more information about the above mentioned processes, see: <<http://www.internazionaleleliobasso.it>>.

1.2. The Process

The PPT hearings took place on 13th and 14th May, in three sessions. Eye-witnesses and experts gave oral presentations of the selected cases, presented supporting documents, and responded to questions asked by members of the Jury.

The session also included the contributions of two experts named by the PPT as “amici curiae”, Alejandro Teitelbaum and Juan Hernández Zubizarreta.

The European Commission in Brussels, which was notified about the PPT process underway and about the session being held in Lima, responded by justifying their absence from the public debate due to institutional commitments.

Of the companies included in this session of the Tribunal, (Aguas de Barcelona, Bayer, BBVA, Botnia, Camposol, Cermac Mainstream, Marine Harvest, HSBC, Monterrico Metals, Proactiva, Repsol-YPF, Roche, Santander, Shell, Skanska, Suez, Syngenta, Telecom Italia, Thyssen Krupp, Unilever, Unión Fenosa), only the Norwegian company CAMPOSOL was present to testify before the Tribunal.

The Tribunal's deliberation took place behind closed doors on 15th May and continued until the following morning, 16th May 2008.

2. THE CASES

The task of identifying and documenting the cases selected for this session of the Permanent Peoples' Tribunal had to comply with the conclusions formulated in the session in Vienna, in order to go more in depth into types of violations of human and peoples' rights, and the mechanisms that produce them, and to attribute responsibility to the different actors, both private, such as the European transnationals, and public, such as the European and Latin American government entities.

This more in-depth activity, which took place over two years, results in:

a) pre-hearings considering model cases, such as that of UNIÓN FENOSA in the Central American countries (Managua, October 2007) and that of BBVA (Bilbao, October 2007), and parallel events organised in Glasgow, Madrid and The Hague, the documentation from which has reached PPT and should be considered integral material in this session;

b) The preparation of a very detailed written and visual documentation of the selected cases for presentation at the public session in Lima, which was made available to the members of the Jury weeks prior to the session itself.

As can be seen in the programme (*Appendix 2*) and in the documents examined by the Jury (*see: www.internazionaleleliobasso.it*), the cases can be considered a qualitatively representative 'sample' both of the areas identified in Vienna and of the most critical areas, from the point of view of human and peoples' rights. Such exemplary cases are important in terms of the implications and structural consequences, and in terms of their legal analysis.

In fact, each individual case has clearly demonstrated that the reported violations are no accidents. They are indications and fairly “normal” expressions of how the overall policies and specific practices of European transnationals violating rights can be developed with absolute impunity and/or with the permissiveness 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).

The PPT was particularly impacted by the systematic recurrence, perceived despite the diversity of the cases, of disregard for the life and dignity of people and communities, be they women or children, peasant farmers, fisher folk or industrial workers.

In total the Tribunal considered 21 cases of transnational companies from 12 sectors (mining, oil, the logging and pharmaceutical industries, telecommunications, agro-foods, the iron and steel industry, electricity, water, agro-chemicals, banking and financial instruments, and genetically modified seeds) operating in Latin American countries. These companies seem to behave according to similar patterns and conducts that have a significantly negative impact, particularly in areas such as:

a) Labour relations: 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.

b) The Environment: particularly, although not exclusively, the mining and oil industries, that 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 that of 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 forced displacement from living spaces. Here we must cite THYSSEN KRUPP, paradigm of the model of investment that pollutes and excludes, made possible thanks to the indifference and absence of the Brazilian State.

c) Transgenic 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, the assassination of workers, and the absence and even complicity of the State, and the criminalization of opponents, remain unchanged in the mechanisms that are presented as the 'future'.

d) People's 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, in open violation of market regulations, particularly in Honduras and Nicaragua, with dramatic consequences including illness and deaths (which are yet to be adequately recognised, at least in terms of financial compensation). The Tribunal also received 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. They also highlighted how the conduct of ROCHE is attacking (using judicial actions, among others) the sustainability of the programme for universal access to medical treatment in Brazil and the rights recognised in the country's federal Constitution.

e) Corruption, which has become an almost common mode of operation in all these processes, in which the different actors are implicated through the granting of concessions to explore and exploit, and the privatisations imposed as a requirement of agreements with other countries or by the international financial organisms. Particularly clear examples can be found in the cases of UNIÓN FENOSA, in their process of privatization 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.

f) 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) has given the PPT a clear view of the complexity of the conflicts of interests between

private and public actors, individuals and collectives, that have been present over long periods in the history of a country such as Peru. It is clear that processes of this kind 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 internal legislation that ought to protect their inhabitants. When the opposite is the case, and national governments decide to demand their own economic sovereignty and public control of strategic sectors, the transnational companies have other options ways to protect their own interests.

The case of TELECOM-ITALIA confirmed the role of international arbitration bodies such as the ICSID in defending the exclusive interests of transnational companies 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.

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

Firstly:

The destruction of the natural environment, source and space for life, and for that reason, sacred. This is not just a question of physical aggression through contamination of soil and water, the erosion of lands and the destruction of the forests. It is also a moral aggression against Mother Earth (*pacha-mama*), as she cannot be made the object of exploitation. She must be respected. In the indigenous peoples' cosmovision, human beings, children of the water and the land, live in symbiosis with nature from whence they take the means to live. For that reason, the destruction of the Earth is a lack of respect for life itself. It is a work of death. This was demonstrated, for example, in the case of the Spanish company UNION FENOSA with the SALVAJINA Dam in the Cauca (Colombia) and in the River Anchicaya, Cauca Valley, with the destruction of biodiversity and the contamination of the water; with 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; with the Spanish oil company REPSOL, causing serious damage to the ecosystems of various regions of Colombia, Ecuador, Bolivia and Argentina.

Secondly:

The expulsion of communities from their lands, often accompanied by violence on the part of the army, the police or other unregulated armed groups. In a number of cases abuse of authority was also proved, and even the indifference, inaction and sometimes complicity of certain judicial bodies. Cases of buying off people's consciences and co-opting individuals

or communities were also found in a number of the testimonies, such as those presented in the case of UNION FENOSA operating in Colombia, Guatemala, Mexico and Nicaragua, which did not honour the commitment it had made to compensate displaced indigenous, peasant farmer and African descendent populations. In the case of SHELL, this Dutch-British company turned to illegal repression of Brazilian and Argentinean communities in Loma de la Lata and in Neuquen; REPSOL were pointed out as being responsible for the failure to respect the rights of the Paynemil and Kaxipayin Mapuches of Argentina, Bolivia and Ecuador.

SHELL was also accused of requesting that the same repressive practices be used against communities defending their environmental rights in a European country (Ireland).

Taking into account the serious consequences that tend to be generated by the activities of multi-national companies in territories occupied by indigenous and African-American communities, and considering that in the vast majority of the cases the resulting crimes are irreversible and irreparable, it is essential that the competent authorities take measures to prevent them.

3 – AN ECONOMIC PRACTICE THAT ERRODES RIGHTS

The specific cases that have been submitted to the PPT are not isolated events. They reflect extended patterns of behaviour that require more general reflections and ideas. The behaviour of business in local areas is demonstrated in all its harshness, and this enables a clearer perception of the aims and general guidelines of that behaviour. However, these local cases are merely specific manifestations of broader logics that form the framework of action for the local agents in the field. Therefore, based on specific experiences, it is necessary to abstract the behavioural guidelines and the patterns that reflect the more general tendencies of global competitiveness that govern the world today.

The European transnationals' search for profits, and the centrality given by specific policies and the wider economic culture to corporate interests, result in:

- The commodification of all aspects of social life, geared to strengthening the right to private property and the accumulation of capital.
- Changes to the role of the State:
 - The convergence of private and public interests. Companies try to make sure that their corporate interests are identified with public interest in such a way that corporate decisions based on corporate aims are considered the same as general welfare.
 - The connivance and complicity of States and national oligarchies, if not their total alliance in the application of these rules of engagement.

- The abandoning of the idea of an independent project, as States accept that the interests of business coincide with the general interest. The State loses its role as guarantor of human rights and general welfare.
 - Public policy is built and articulated around the interests of business instead of the general interest. An example of this tendency can be found in the conditions of favouritism conceded by governments in order to attract foreign investment, or certain forms of labour legislation favourable to business.
- Current European Union policy, which uses bilateral negotiations with peripheral States to stimulate the economic interests of European transnationals, and to defend them as belonging to the EU countries. It is also important to remember the role of the other international organisms such as the WTO, IMF, World Bank, OCDE, IDB, and the Andean Development Corporation (CAF) who collaborate with the European transnationals along the same lines and which have already been amply commented on during other sessions of the Tribunal.
 - The current functioning of the economic and social system means that it is always a few, and the number gets smaller and smaller, people and agents who decide about the living conditions and existence of the majority. This is even more evident with the current growth of financial capital and their domination of the world economy, and their profit requirements. Large financial interests hang in many different ways over all aspects of economic life, introducing technological innovations that tend to reinforce their profit margins and their dominion over the global economy.
 - The redefining of the public sphere and the privatization of public services leads to cutbacks to the already very weak welfare state. The obligations of the European transnationals are transferred to the public sphere and people's rights are subordinated to global competitiveness.
 - The current financial crisis and serious economic turbulence this is creating in all fields, clearly shows that the system brings with it cycles of high economic and social costs on its own terms. This means that it is increasingly being questioned by its own promoters at a theoretical level (although it continues to be applied, with increasing intensity, in practice).
 - The system that is intrinsically and increasingly inefficient, except for those who control the global economy, whose profits increase while the rest suffer from increasing inequality and poverty. Several of the cases submitted to this Tribunal show the persistence and deepening of inequality in terms of gender and the failure to protect human rights for women. These gender inequalities are made even more serious when they coincide with other inequalities. The evidence of the tremendous negative impact of these strategies is overpowering. Today, more than ever, voracity and the thirst for profit has exposed those who suffer discrimination to extreme limit-situations. Far from implementing policies to fight this and guarantee these people's rights, States tolerate and encourage that their lesser social power and vulnerability be taken advantage of.

The complicity of current economic thought in legitimising this dynamic cannot be ignored, given that ideological elements are presented as scientific facts, in order to justify the actions desired by the dominant economic interests.

The ideas presented within the framework of this Tribunal raises the need to consider renewed scope for reflection, taking other elements into account:

- Given the weakening of the State, it is imperative that existing methods for defining collective interests and the role of new social organisations in constructing those general interests be explored. This means making local interests and specific experiences compatible and articulating them with general interests, building a public interest that does not deny the local, but which is not reduced to merely local issues. It is also necessary to articulate the framework of general interests with the welfare of the populations and local territories affected, in a way that combines a diversity of levels of social action and which assures the rights and welfare of the local populations. Specific political struggles are one of the crucial ways of building more generalised strategies.
- The European transnationals claim the right to incorporate the general interest into their actions through their own rules of conduct (corporate social responsibility). This is unacceptable, not only because it serves to falsely legitimise corporate interests, but also because public interests cannot be left in the hands of the managers of any kind of private interest, much less with the voluntary focus given by the European transnationals.

3.1 THE DEBTS OWED TO THE INDIGENOUS PEOPLES AND AFRICAN-AMERICANS

We recognise the existence of an historic debt to the native peoples of what is now called the American continent. This debt was generated by the invasion, conquest and colonisation of their territories by European nations, starting in the 15th century. They did not only steal the lands and enslave the indigenous peoples to work in the mines, plantations and farms. They also caused massive deaths among the native population and the brutal interruption of those peoples' own process of development. A civilisation, with its knowledge, science and wisdom, was erased. Only traces remain, in the rocks and archaeological finds. The meanings and many of the values of these civilisations were lost. It is no longer possible to rescue the treasures of these oral cultures. The devastation was also a cultural genocide. The indigenous peoples lost the flat lands, forced to take refuge in the mountains and forests. Today these areas are being made the object of the plunder. There will come a day when they no longer have anywhere to live. These are historical forced displacements, which are a crime against humanity. The peoples of African descent, who were taken to America as slaves to fill the gaps left by the genocide, suffered a similar fate.

The ecological debt, which affects all humanity, is particularly serious for the Indigenous Peoples and peoples of African descent. Mother Earth (*pacha-mama*), origin of life, and

therefore inviolate, has been destroyed: the rivers are polluted, the soils are filled with chemical products, the water loses its purity, as it is mixed with pesticides, the birds and butterflies disappear from the monocultural plantations of palm and soya, the forests die as the Earth heats up, biodiversity is under threat, as a result of expansions in livestock farming, sugar cane, and plants destined to produce agro-fuels, as a result of mining, the expansion of oil extraction and the mega-transport and tourism projects. Each year tens of species of fauna reach extinction. All this for the immediate advantage of large national and international companies that serve a minority of humanity. Even the coca plant, most sacred to the Indigenous Peoples for its power and virtue (wisest of the wise), has been appropriated by economic and criminal powers in order to transform it into drugs. This is not the fault of the indigenous peoples and they should not be punished for it. The ecological debt is continually growing and it means that most indigenous peoples and communities of African descent, who could be the best protectors of biodiversity, are condemned to disappear.

Justice for these peoples should mean not only the recognition of these debts, but also their compensation and indemnification.

4 – VIOLATIONS OF INTERNATIONAL HUMAN RIGHTS LAW AND OF NATIONAL LAWS DETECTED IN THE BEHAVIOUR OF THE ACCUSED EUROPEAN TRANSNATIONALS

The PPT considers that responsibility to promote, respect, guarantee and enforce human rights falls principally on States, according to the IDHR and it recognises, based on the cases presented to this Tribunal, that there are private actors, such as transnational companies that have been shown to systematically violate human rights.

In the last decades, the exorbitant growth of companies' economic power makes them larger than many State economies. This makes it very easy for them to avoid the judicial and political control of nation States. It is necessary that national and international public institutions ensure compliance with existing rules, and that they dictate internationally binding rules, so that these companies apply the same standards wherever they are, in terms of human rights, regardless of the country in which they are operating.

The current differences in legal frameworks, due to some States' failure to ratify international agreements, or to the lack of vigilance on the part of other States, allow the European transnationals to undertake massive speculative operations, making use of this lack of regulation.

In terms of the activities of transnational companies and human rights, the PPT identifies various levels of responsibility. On the one hand, there are the States who have a duty to

prevent, protect and sanction violations of human rights by their own agents or private actors (above all the most powerful, such as European transnationals). This creates liability by omission in the case of negligence in the duty to protect rights against the conduct of the European transnationals; liability by commission when they actively stimulate the presence of these European transnationals, granting operating licences, increasing flexibility of labour, environmental and tax laws to favour the interests of these companies.

It is important to be clear that the liability corresponds both to the State of origin or parent company of the ETN (be that the location of their main headquarters or the country where the bulk of their capital resides) and to the State or States where they develop their activities.

It is necessary to reaffirm the existence of a hierarchy of laws, based on the principle that the rights of the human being are at the pinnacle of this legal pyramid, and the rights and interests of private interests are subordinate to these.

Human rights play a fundamental role in guaranteeing human dignity. They are above the property rights of the powerful and they are above economic freedom. However, the status quo described here gives primacy to private interests over human rights.

There is an international UN system that proclaims human rights and is legitimised by achieving peace and the validity of all human rights. However, at the same time, there are instances in which UN practices are in conflict with that, as is the case with the practices of the World Bank, the ICSID and the IMF, which are governed by norms that prevent the full exercise of human rights. This is also the case with other instances, such as the WTO, which have the market and free market competition at their centre, without taking human rights into consideration.

This is combined with circumstances in which the European Union and the international financial institutions become facilitators or accomplices to the activities of the European transnationals. The principal criteria for their policies becomes the principle of global competitiveness, which is in direct conflict with the effective application of human rights.

On the other hand there is the flagrant culpability of private agents or actors, such as the transnational companies, who, with their behaviour, clearly demonstrated in the cases dealt with by this Tribunal, produce violations in these same rights. These agents should be made accountable for their actions and for the consequences of their actions, before the internal legal bodies within each of the countries.

Faced with the practices of the European transnationals, society as a whole should adopt an ethical and judicial position that rejects hunger, homelessness, the lack of education, health or employment, the lack of food security and, in general, the subhuman conditions of poverty and extreme shortages that impede the dignified development of individuals, and

peoples. That is to say, an attitude similar to that taken in the face of actions of torture, extra-judicial executions, forced disappearances, or arbitrary detentions.

This vision implies a rejection and condemnation of those State policies that give priority to global competitiveness, the privatisation of public goods, the casualisation of labour, and of the behaviour of transnational companies in relation to the rights and interests of their peoples and the exercise of human rights. In the same sense, the non-State actors, such as transnational companies, should be identified and condemn the way in which they generate and stimulate these kinds of violations, imposing their policies on governments that are sometimes weak, and other times complicit in their behaviour.

We understand that guaranteeing human, economic, social, cultural and environmental rights is a fundamental State obligation. The State should design adequate public policies, tax laws and legal, judicial, administrative and other measures, in order to guarantee the respect, satisfaction and protection of all human rights. This means exercising effective control over the operations of transnational companies.

International human rights law, and the Constitutions and laws in the respective countries should prevail to prevent the transnational companies from violating the rights of all humanity, which include the right to self-determination of peoples, the right to development, sovereignty (over defining public policy and the use of natural resources); to avoid privatisation of common goods such as water, energy, personal security, gender discrimination; to guarantee access to land and homes, defend the right to health, culture and education, bring an end to the criminalization of protests and forms of social resistance; avoid the use of force (military, of paramilitary) against the communities, and the corruption of public policies; effectively guarantee the rights to life, development, integrity, territory and personal freedom, to a healthy environment, and to a fair economic and social order, access to justice, labour rights and trades union freedom.

States should respect international law and directly ensure that transnational companies respect it, independent of the location of their headquarters or centres of operations. The European transnationals should also respect the legal regimes of the States where they operate and all the international treaties ratified by those countries, including: the Slavery Convention (1926); the Convention on the Prevention and Punishment of the Crime of Genocide (1946); the Universal Declaration of Human Rights (1948), the American Declaration of the Rights and Duties of Man (1948); The ILO Convention on Freedom of Association and Protection of the Right to Organise (1948); The C-98 Right to Organise and Collective Bargaining Convention (1949); The International Convention on the Elimination of all Forms of Racial Discrimination (1965); The International Covenant on Economic, Social and Cultural Rights (1966); The International Covenant on Civil and Political Rights (1966); C-135 Workers' Representatives Convention (1971); The Universal Declaration for the Eradication of Hunger and Malnutrition (1974); the Declaration on the

Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind (1975); The Universal Declaration of the Rights of Peoples (1976); Convention 151 Labour Relations (Public Service) (1978); The Convention Against Torture (1984); Convention 87 on Freedom of Association and Protection of the Right to Unionize (1984); The Declaration on the Right to Development (1986); The Additional Protocol to the American Convention on Human Rights in the area of Economic, Social and Cultural Rights (1988); Convention 169 concerning Indigenous and Tribal Peoples in Independent Countries (1989); The Convention on the Rights of the Child (1989); The Inter-American Convention on the Forced Disappearance of Persons (1994); The Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women (1994); The Inter-American Convention Against Corruption (1996); The European Penal Convention on Corruption (2002) and the Declaration on the Rights of Indigenous Peoples (2007).

In the cases brought before this Tribunal some mechanisms for impunity have been detected, favoured by the mobility of capital and the outsourcing of transnational corporations that prevents the determining of the members or offices to be held responsible; the use of affiliates and subcontractors hides the culpability of the EUROPEAN TRANSNATIONALS; the existence of voluntary codes of conduct makes them feel no responsibility for the positive rights enshrined in State and International Laws; they also elude national jurisdictions by way of arbitration or through the ICSID, that aims for the creation of a private international law, unconstrained by human rights.

It is very important that the States and the International Community recognise the mutual liability that transnational companies share with their *de facto* or official affiliates and with their providers, contractors, subcontractors, licensees and franchises because a lack of recognition of this creates impunity.

Peoples and individuals have the right to justice, that is to say, they have the right to see their rights guaranteed. The State is obliged under international law to guarantee the right to justice, that is to say provide the resources to make the system efficient and ensure the independence of the judges from other State or economic powers. The State should prevent, investigate and sanction crime with an independent judicial system, fit to pass judgement and apply national and international law. There is no such thing as a Democratic Constitutional State if it does not investigate and punish crime according to due process; impunity in itself therefore represents a serious violation of that law. The State cannot renounce nor evade the exercise of the duty to bring to trial, by way of amnesties or other forms of impunity. The victims and society have the right to know the truth and to full reparation.

The Tribunal observes that in many of the cases examined the judicial systems had not acted independently, impartially, promptly and effectively to guarantee the rights of the victims affected by the illegal activities of the transnational corporations.

5. RULING

The Permanent Peoples' Tribunal, following a process of investigation and public hearings that began in Vienna in 2006 and continued through various working sessions in Nicaragua, Bilbao and parallel events in Glasgow, Madrid and The Hague and in the Colombian chapter of the PPT;

After having heard, in a public hearing, the social and workers' organisations, NGOs, rural communities and indigenous nations of the Latin American and Caribbean countries, and, after having analysed the accusations, statements and petitions and the defence arguments presented;

Under the protection of the principles and rules of international public law, the Universal Declaration of Human Rights, the international Human Rights Conventions and Covenants and the Universal Declaration of the Rights of Peoples;

Using the powers established in its statutes and by the disposition and authorisation of the peoples, communities, organisations and peoples participating in the session;

RESOLVES

1. To morally and ethically sanction and denounce at a global level, the political, economic, financial, productive and judicial conducts and practices of the neoliberal model, implemented and permitted by the States and institutions of the European Union, under the aegis of promoting growth and economic development to fight poverty and achieve sustainable development;
2. To morally and ethically sanction and denounce in the international arena those multinational corporations with private and state capital originating in Europe, for serious, clear and persistent violations of the international principles, laws, conventions and covenants that protect the civil, political, economic, social, cultural and environmental rights of the communities, nationalities, families and individuals of the peoples of Latin America and the Caribbean;
3. To call on the United Nations Human Rights Council to designate a Special Rapporteur to present a report as soon as possible to the General Assembly that contains the proposal to begin to use the concept of an illegitimate ecological and historical debt, and the legal

analysis of violations of economic, social and cultural rights against individuals and peoples, by governments, financial institutions and multinational corporations, and to this effect constitute an International Tribunal to judge the economic and ecological crimes, to which individual and collective victims can turn as legitimate plaintiffs;

4.- To call on the governments and States of the European Union and their community organisms:

4.1. To submit their international economic relationships and their decisions on economic policy and international cooperation to the binding standards of primacy, guarantee and respect for conventions, international agreements and the ILO declarations and rules on the issues of fundamental rights, human development, and environmental protection;

4.2. To ensure that judicial systems recognise the right to appeal directly before the justice Tribunals and demand responsibility and reparations for possible infringements of those rights by companies, public and private financial institutions, for illegal acts committed outside the national territorial boundaries;

5.- To demand that the multinational corporations and financial institutions of European origin, be they international, commercial or of private or State capital, abandon their double standards and commit to making policies that prioritise respect for international law and human rights effective, obligatory and non-discretionary;

6. - To urge the States and governments of Latin America and the Caribbean that:

6.1. Within the framework of relations of cooperation and economic, commercial and corporate integration with the European Union, the sovereignty and dignity of peoples be guaranteed over the economic interests of the private sector, preventing the privatisation of basic resources necessary for life such as water, air, land, seeds, genetic heritage and pharmaceuticals, and assuring universal access to public services;

6.2. Rapid and efficient access to justice be assured, prioritising the application of conventions, international agreements, declarations and rule of the ILO and human, environmental rights in general, and the rights of peoples, communities and indigenous nations;

6.3. They encourage and support the judicial system, providing all the necessary resources in order to carry out investigation processes and punish crimes, particularly those committed in violation of the rights of peoples and communities, achieving integral material and moral reparations for the grave damages and prejudices caused to the many victims of violations of rights;

6.4. They apply measures inspired by the internationally recognised principle of the *free, prior and informed consent* of the social actors, local communities and indigenous peoples,

and by the *cautionary principle*, when proposing the application of agreements and development and capital investment policies that may produce negative effects on these peoples' land, living space and fundamental rights.

7. In view of the importance and transcendental nature of the lawsuits that have accompanied the presentations, with the aim of encouraging tribunals and administrators of justice to develop the content of the law and achieve an efficient right to justice, resolves to refer the case file, resolution and recommendations to officials and institutions so that they act in accordance with their competences, faculties and attributes:

- Prosecutor, International Criminal Court
- United Nations Economic and Social Council
- United Nations Human Rights Council and to the competent Special Rapporteurs competent in this matter
- European Court of Human Rights
- Inter-American Commission on Human Rights
- Presidents of the constitutional courts and tribunals, Public Ministries, Public Prosecutors and Public Defenders in Latin America and the Caribbean
- Governments of the member States of the European Union
- Governments of the Latin American and Caribbean States

The Tribunal recognises the importance, the difficulties and the risks inherent in the struggles of social movements, peasant farmers, workers, indigenous peoples, and other grassroots organisations. Furthermore it makes a commitment to continue to use its skills and work - more in depth analysis of the legal responsibility of the European transnationals – to accompany the trajectory of denouncing the violations of peoples' rights by transnational companies, States and international institutions; and to accompany the construction of alternatives.

Lima, 16th May 2008

APPENDIX 1

Organisations Involved in Organising the PPT and presenting of cases (*Enlazando Alternativas* – Europe–Latin American and the Caribbean Bi- Regional Network)

1. Acción Ecológica (Ecuador)
2. Alianza de Pueblos del Sur Acreedores de Deuda Ecológica (Latin America)
3. Friends of the Earth Latin America - ATALC
4. Friends of the Earth Europe - FoEE
5. Asamblea del Pueblo Guaraní Itika Guasu (Bolivia)
6. Asociación Aurora Vivar (Peru)
7. Asociación de Usuarios del Agua de Saltillo (Mexico)
8. Associações de Pescadores Artesanais da Baía de Sepetiba (Brazil)
9. Asud (Italy)
10. ATTAC (Argentina)
11. ATTAC (Chile)
12. Campaña Internacional: La Ir-Responsabilidad Social de Unión Fenosa. Capítulo I: Nicaragua a Oscuras
13. Campaña por la Reforma de la Banca Mundial CBRM (Italy)
14. Campaña en Defensa de la Amazonía y Movimiento de los Damnificados por el Complejo del Rio Madeira (Brazil and Bolivia)
15. Colectivo Alternativa Verde- CAVE (Brazil)
16. Ceiba - Amigos de la Tierra (Guatemala)
17. Censat Agua Viva – Amigos de la Tierra (Colombia)
18. Centro de Documentación e Información de Bolivia – CEDIB (Bolivia)
19. Centro de Estudios Aplicados a los Derechos Económicos, Sociales y Culturales CEADDESC (Bolivia)
20. Centro de Políticas Públicas para el Socialismo – CEPPAS (Argentina)
21. Centro Ecocéanos (Chile)
22. Colectivo SKAMSKA (Sweden)
23. Confederazione dei Comitati di Base-COBAS (Italy)
24. Confederación Nacional de Comunidades Afectadas por la Minería- CONACAMI (Peru)
25. Confederación General de Trabajadores- CGTP (Peru)
26. Confederación General del Trabajo - CGT (Spanish State)
27. Confederación Sindical de las Américas-CSA (America)
28. Corporate Europe Observatory-CEO (Holland)
29. Deudos de la Comunidad de Taucamarca (Peru)
30. Ecologistas en Acción – (Spanish State)
31. Ekologistak Martxan (Spanish State)

32. Federación Nacional de Sindicatos de Unilever Chile- FENASIUN (with the support of the CUT Chile)
33. Federación de Trabajadores de ENTEL (Bolivia)
34. France – Amérique Latine (France)
35. Foro Ciudadano por la Justicia y los Derechos Humanos –FOCO (Argentina)
36. Fórum de Meio Ambiente e de Qualidade de Vida do Povo Trabalhador da Zona Oeste e da Baía de Sepetiba (Brazil)
37. Fundación de Investigaciones Sociales y Políticas – FISyP (Argentina)
38. Fundación Solón (Bolivia)
39. Fundación Rosa Luxemburgo - RLS (Brazil)
40. Institute for Policy Studies-IPS (United States)
41. Instituto de Ciencias Alejandro Lipschutz (Chile)
42. Instituto de Políticas Alternativas para o Cone Sul – PACS (Brazil)
43. Jubileo Sur (Peru)
44. Land is Life (Ecuador)
45. Movimiento Mexicano de Afectados por las Presas y en Defensa de los Ríos MAPDER (Mexico)
46. Movimento dos Atingidos por Barragens- MAB (Brazil)
47. Movimento dos Sem Terra-MST (Brazil)
48. Movimiento Social Nicaragüense (Nicaragua)
49. Movimiento de los Afectados por el Nemagón (Honduras)
50. Movimiento de los Afectados por el Nemagón (Nicaragua)
51. Observatorio de Conflictos Mineros, Centro de Ecología y Pueblos Andinos- CEPA (Bolivia)
52. Observatorio de Multinacionales en América Latina – OMAL Paz con Dignidad (Spanish State)
53. Observatorio Social de Empresas Transnacionales, Megaproyectos y Derechos Humanos (Colombia)
54. Plataforma Interamericana de Derechos Humanos, Democracia y Desarrollo PIDHDD (Americas)
55. Proceso de Comunidades Negras - PCN (Colombia)
56. Red Brasileira por la Integración de los Pueblos - REBRIP (Brazil)
57. Red Caribe de Usuarios de Servicios Públicos Atarraya en Defensa del Agua y la Energía (Colombia)
58. Red de Acción en Agricultura Alternativa –RAAA (Peru)
59. Red Latinoamericana contra las Represas -REDLAR
60. REDES Amigos de la Tierra (Uruguay)
61. SETEM (Spanish State)
62. Shell to Sea (Ireland)
63. Sindicato dos Trabalhadores no Comércio de Minérios e Derivados de Petróleo no estado de São Paulo – SIPETROL (Brazil)

64. Sindicato Eicosal 2 de la Multinacional Noruega Marine Harvest (Chile)
65. Sindicato de Electricidad de Colombia Sintraelecol (Colombia)
66. Sindicato de Trabajadores de Camposol SITECASA (Peru)
67. Sindicato CERMAC MAINSTREAM (Chile)
68. SOMO (Holland)
69. Terra de Direitos (Brazil)
70. Transform (Italy)
71. Transnational Institute-TNI (Holland)
72. Via Campesina (Brazil)
73. Xarxa de l'Observatori del Deute en la Globalització - ODG (Catalonia, Spanish State)

EA3 Convening Organisations

Latin America

1.	Amigos de la Tierra América Latina (ATALC)	Latin America
2.	Ukhamawa Noticias	Latin America
3.	Programa sobre Deuda Externa Ilegítima Federación Luterana Mundial	Latin America
4.	Red Intercontinental de Promoción de la Economía Social Solidaria (RIPESS)	Latin America
5.	Red Internacional de Género y Comercio - Capítulo Latinoamericano.	Latin America
6.	REMTE - Red Latino-americana de Mujeres Transformando la Economía	Latin America
7.	Servicio Paz y Justicia en América Latina (SERPAJ)	Latin America
8.	Programa de Educación para la Paz-PROEPAZ	Latin America
9.	Alianza Social Continental (ASC)	The Americas
10.	Agencia Latinoamericana de Información (ALAI)	The Americas
11.	Federación Sindical Mundial	The Americas
12.	Servicios Públicos / ISP Américas	The Americas
13.	Coordinadora Andina de Organizaciones Indígenas (CAOI)	Andean Countries and Argentina
14.	ATTAC - Argentina	Argentina
15.	Foro Ciudadano de Participación por la Justicia y los Derechos Humanos (FOCO)	Argentina
16.	Fundación de Investigadores Sociales y Políticas (FISyP)	Argentina
17.	MyRAR : Migrantes y Refugiados en Argentina	Argentina
18.	Pastoral Ecueménica VIH-SIDA	Argentina
19.	Centro de Documentación e Información Bolivia (CEDIB)	Bolivia
20.	Centro de Mujeres Indígenas Aymaras Candelaria	Bolivia
21.	Red de comunicaciones indígenas Apachita	Bolivia
22.	Movimiento Boliviano por la Soberanía y la Integración Solidaria de los Pueblos-Contra el TLC y el ALCA	Bolivia
23.	Jach'a Suyu Pakajaqi	Bolivia
24.	QHARA QHARA SUYU Nación Originaria	Bolivia
25.	Red de comunicaciones indígenas Apachita	Bolivia
26.	Associação de Favelas de Sao Jose dos Campos – Sao Paulo	Brazil
27.	IBASE - Instituto Brasileño de Análisis Sociales y Económicas	Brazil
28.	REBRIP (Red Brasileña por la Integración de los Pueblos)	Brazil
29.	FBES / FACES do BRASIL / RIPESS-AL	Brazil
30.	Coletivo Êxito d' Rua/Rede Resistência Solidária	Brazil
31.	Centro Brasileño de Solidariedad con los Pueblos y Lucha por la Paz (Cebrapaz)	Brazil
32.	ASC Centroamérica	Central America
33.	ATTAC Santiago	Chile
34.	Anamuri - Asociación Nacional de Mujeres Rurales e Indígenas	Chile
35.	Corporación de Educación y Cultura Popular Gabriela Mistral	Chile
36.	Colectivo de Educación Popular	Chile
37.	Alianza Social Continental -Capítulo Chile	Chile
38.	Comisión de Derecho Indígena Aymara (Región Arica)	Chile
39.	Corporación Social para la Asesoría y Capacitación	Colombia

	Comunitaria (COSPACC)	
40.	Red Caribe de Usuarios de Servicios Públicos	Colombia
41.	Red Colombiana de Acción Frente al Libre Comercio (Recalca)	Colombia
42.	Campaña comercio con justicia: mis derechos no se negocian	Colombia
43.	Fundación América Latina para la Educación, la Vida y la Integración	Colombia
44.	Movimiento de Mujeres	Colombia
45.	CENSAT Agua Viva. FoE Colombia	Colombia
46.	Comisión Intereclesial de Justicia y Paz	Colombia
47.	Proyecto cultural Estudiantil Su-Versión	Colombia
48.	Flor y Vida	Colombia
49.	Instituto Popular de Capacitación	Colombia
50.	Encuentro Popular	Costa Rica
51.	Capítulo Cubano de la Alianza social Continental	Cuba
52.	Centro Memorial Dr. Martin Luther King Jr.	Cuba
53.	Sociedad Económica de Amigos del País (SEAP)	Cuba
54.	Asociación Cubana de Producción Animal (ACPA)	Cuba
55.	Convergencia de los Pueblos de las Américas (COMPA)	Cuba
56.	Coordinadora Nacional Campesina Eloy Alfaro	Ecuador
57.	OILWATCH SUDAMERICA	Ecuador
58.	CONFIE	Ecuador
59.	Fundación Nuestros Páramos y Biodiversidad "FUNUPAB"	Ecuador
60.	Land is Life	Ecuador
61.	Asamblea de los Pueblos	Ecuador
62.	RED SINTI TECHAN	El Salvador
63.	Mesa Global	Guatemala
64.	Alianza Cooperativista Nacional (ALCONA)	Mexico
65.	Asociación de Usuarios del Agua de Saltillo AUAS	Mexico
66.	Centro de Promoción y Educación Profesional "Vasco de Quiroga"	Mexico
67.	Equipo Pueblo	Mexico
68.	Marcha Mundial de las Mujeres- México	Mexico
69.	Mujeres por el Dialogo	Mexico
70.	Otros Mundos, A.C.	Mexico
71.	Red Mexicana de Acción frente el Libre Comercio (RMALC)	Mexico
72.	Red Nacional Genero y Economía	Mexico
73.	Reserva Ecologica Moxviquil - Chipas	Mexico
74.	Consejo Indígena de Pueblos Nahuatl y Chorotegas Monexico	Nicaragua
75.	REDSOM /NICARAGUA	Nicaragua
76.	Movimiento Social Nicaragüense "Otro mundo... es posible"	Nicaragua
77.	Centro de Estudios Internacionales	Nicaragua
78.	Asociación de Promotores y Defensoria de los Derechos Indígenas de Nicaragua - APRODIN	Nicaragua
79.	Centro de Estudios Internacionales (CEI)	Nicaragua
80.	Asociación Americana de Periodistas Bolivarianos	Panama
81.	COSOVE	Panama
82.	Centro de Estudios del Habitat y los Asentamientos Humanos	Panama
83.	Movimiento Juventud Popular Revolucionaria (MJP)	Panama
84.	SOBREVIVENCIA, Amigos de la Tierra Paraguay	Paraguay
85.	Central Nacional de Organizaciones Campesinas, Indígenas y Populares (CNOPIP)	Paraguay
86.	Network Institute for Global Democratization-Lima	Peru
87.	Programa Democracia y Transformación Global	Peru

88.	Marcha Mundial de las Mujeres - Perú	Peru
89.	Grupo Género y Economía - Perú	Peru
90.	Consumidores por el Desarrollo	Peru
91.	Red de Economía Solidaria del Perú (GRESP)	Peru
92.	Confederación Nacional de Comunidades del Perú Afectadas por la Minería - CONACAMI	Peru
93.	Colectivo Contranaturas	Peru
94.	Boletín Diversidad	Peru
95.	JOC-Perú	Peru
96.	Unión Nacional de Estudiantes Católicos - UNEC	Peru
97.	Patria Libre	Peru
98.	Asociación Civil Labor	Peru
99.	Pontificia Universidad Católica del Perú (PUCP)	Peru
100.	SEDYS-Servicio Educativo para el Desarrollo y la Solidaridad	Peru
101.	Organización de Comunidades Aymaras, Amazónica y Quechua-OBAAQ	Peru
102.	Proyecto Amigo	Peru
103.	Equipo de Promoción y Capacitación Amazónica PROCAM	Peru
104.	Revista Infantil "La Hormiguita"	Peru
105.	Plataforma Nacional de Juventudes	Peru
106.	Movimiento Médico Social Hugo Pesce	Peru
107.	Centro de Estudios Comunes	Peru
108.	Universidad Nacional José Faustino Sánchez Carrión	Peru
109.	Colegio Médico del Perú - CR III - Lima	Peru
110.	Confederación de Nacionalidades Indígenas del Perú - "CONAIP"	Peru
111.	Federación de Productores Agropecuarios del Valle Rio Apurimac y Ene "FEPAVRAE"	Peru
112.	Federación Nacional de Trabajadores del Agua Potable del Perú - FENTAP-	Peru
113.	JUDEH	Peru
114.	FESIDETA	Peru
115.	Vanguardia Nacionalista	Peru
116.	Partido Pueblo Unido	Peru
117.	Acción y Cooperación para el Desarrollo de los Andes (ACDA)	Peru
118.	Coordinadora Andina de Organizaciones Indígenas - CAOI	Andean Region
119.	Redes Amigos de la Tierra	Uruguay
120.	Equipo de Formación, Información y Publicaciones (EFIP)	Venezuela
121.	Confederación Latinoamericana de Cooperativas y Mutuales de Trabajadores -COLACOT- Área Andina	Venezuela
122.	Fuerza Socialista Bolivariana de Trabajadores	Venezuela

Europe

123.	Centro de Investigación y Documentación Chile-América Latina (FDCL)	Germany
124.	ATTAC Germany	Germany
125.	Gruppe für Ausländerfreundlichkeit-Baesweiler	Germany
126.	Comite Latinoamérica del Foro Norte-Sur	Germany
127.	Breites Bündnis für Kolumbien-Deutschland	Germany
128.	ATTAC Austria	Austria
129.	CNCD -11.11.11	Belgium
130.	CATAPA	Belgium
131.	CETRI - Centro Tricontinental	Belgium

132.	Asociación Bélgica Bolivia América Latina	Belgium
133.	ATTAC SPAIN	Spanish State
134.	BALADRE	Spanish State
135.	Colectivo Repsol Mata- Barcelona	Spanish State
136.	Campaña Internacional de Afectad@s por Repsol-YPF	Spanish State
137.	Campaña ¿Quién debe a quién?	Spanish State
138.	Confederación General del Trabajo (CGT)	Spanish State
139.	Comité de Solidaridad Internacionalista de Zaragoza	Spanish State
140.	Observatorio de Multinacionales en América Latina (OMAL) / Asociación Paz con Dignidad	Spanish State
141.	Ecologistas en Acción / Ekologistak Martxan / Ben Magec	Spanish State
142.	Veterinarios Sin Fronteras	Spanish State
143.	Xarxa de l'Observatori del Deute en la Globalització	Spanish State
144.	Un Altre Món És Possible de Sabadell	Spanish State
145.	ACSUR Las Segovias	Spanish State
146.	Entrepueblos/Entrepobles/Entrepobos/Herriarte	Spanish State
147.	Espacio Alternativo	Spanish State
148.	Los Verdes de Madrid	Spanish State
149.	Comité de Solidaridad con América Latina de Xixón (COSAL)	Spanish State
150.	Soldepaz Pachakuti Asturias	Spanish State
151.	Verdegaia	Spanish State
152.	Medeak	Spanish State
153.	Komite Internazionalistak	Spanish State
154.	Foro Rural Mundial	Spanish State
155.	Centro de Documentación y Solidaridad con América Latina y África (CEDSALA) - Valencia	Spanish State
156.	Red Española de Desarrollo Rural (REDR)	Spanish State
157.	KEM MOC	Europe
158.	CIFCA - Iniciativa de Copenhague para América Central y México	Europe
159.	Grupo Sur	Europe
160.	Friends of the Earth Europe	Europe
161.	Pueblos Nativos	Europe
162.	Friends of the Earth England Wales and Northern Ireland	Europe
163.	Seattle-to-Brussels- Network	Europe
164.	Mémoire des luttes	France
165.	France Amérique Latine (FAL)	France
166.	Espaces Marx	France
167.	ATTAC France	France
168.	Comité Pérou	France
169.	Mouvement contre le racisme et pour l'amitié entre les peuples (MRAP)	France
170.	CEDETIM / IPAM	France
171.	Neolaia Synaspismou-the Youth of Synaspismos	Greece
172.	Transnational Institute (TNI)	Holland
173.	Ojalá: Organización Juvenil Autónoma para América Latina	Holland
174.	Both ENDS	Holland
175.	Latin American Solidarity Centre (LASC)	Ireland
176.	Trocaire / CIDSE	Ireland
177.	Partito della Rifondazione Comunista-Sinistra Europea	Italy

178.	Campagna per la Riforma della Banca Mondiale (Campaign for the Reform of World Bank)	Italy
179.	SdL Intercategoriale - Coordinamento Nazionale	Italy
180.	A SUD –Ecologia e Cooperazione ONLUS	Italy
181.	Transform Italia	Italy
182.	Fondazione Neno Zanchetta	Italy
183.	Umar - Azores	Portugal
184.	Associação Solidariedade Imigrante	Portugal
185.	Association for the Development of the Romanian Social Forum - AD FSR	Romania
186.	UBV-Latinamerika	Sweden
187.	World Development Movement	United Kingdom
188.	The Corner House	United Kingdom

International

189.	La Vía Campesina	International
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APPENDIX 2

Cases presented and Organisation Presenting Accusations

Thematic Axis	Sector	Company Accused	Organisations Presenting the Accusation	Country where the Company is operating	
Natural Resources and Neo-colonialism	Mining	General Presentation	Observatorio de Conflictos Mineros, Centro de Ecología y Pueblos Andinos (CEPA)		
		MONTERRICO METALS (England)	Confederación Nacional de Comunidades Afectadas por la Minería (CONACAMI)	Peru	
	Oil	General Presentation	Observatorio de las Multinacionales en América Latina (OMAL). Paz con Dignidad		
		REPSOL (Spanish State)	Fundación de Investigaciones Sociales y Políticas (FISyP), Centro de Documentación e Información de Bolivia (CEDIB), Asamblea del Pueblo Guaraní Itika Guasu y Centro de Estudios Aplicados a los Derechos Económicos, Sociales y Culturales CEADDESC, Acción Ecológica, Ecologistas en Acción / Ekologistak Martxan, Foro Ciudadano por la Justicia y los Derechos Humanos (FOCO)	Argentina Bolivia Ecuador	
		SHELL (Holland-England)	Sindicato dos Trabalhadores no Comércio de Minérios e Derivados de Petróleo no Estado de São Paulo – SIPETROL	Brazil	
			Foro Ciudadano por la Justicia y los Derechos Humanos (FOCO)	Argentina	
	Forestry- Wood Industrial Complex	General Presentation	REDES – Friends of the Earth		

		BOTNIA (Finland)	REDES – Friends of the Earth	Uruguay
			Fundación de Investigaciones Sociales y Políticas (FISyP) y ATTAC	Argentina
Neo- Constitutionalism and the Privatisation of Justice	Pharmaceuticals	ROCHE (Switzerland)	Rede Brasileira Pela Integração dos Povos (REBRIP)	Brazil
	Telecommunications	TELECOM Italia	Xarxa del Observatori del Deute en la Globalització (ODG), SOMO, Institute for Policy Studies (IPS), Federación de Trabajadores de ENTEL, Campagna per la Riforma della Banca Mondiale (CRBM), Transform, Confederazione dei Comitati di Base-COBAS, Asud, Transnational Institute (TNI), Corporate Europe Observatory (CEO), Fundación Solón.	Bolivia
Casualisation and the Exploitation of Labour	Agro-Foods and non- Traditional exports	General Presentation	Confederación Sindical de las Américas (CSA)	
		CAMPOSOL (Noruega)	Confederación General del Trabajo del Perú (CGTP), Asociación Aurora Vivar y Sindicato de Trabajadores de Camposol (SITECASA)	Peru
		CERMAC MAINSTREAM (Noruega)	Sindicato de Cermac Mainstream	Chile
		MARINE HARVEST (Noruega)	Centro Ecocéanos	
		UNILEVER (Holland-England)	Sindicato de Unilever	

Infrastructure for Plunder	Metalwork and Infrastructure	General Presentation	Fundación Rosa Luxemburgo (RLS) oficina São Paulo	
		THYSSEN KRUPP (Germany)	Fórum de Meio Ambiente e de Qualidade de Vida do Povo Trabalhador da Zona Oeste e da Baía de Sepetiba y Associações de Pescadores Artesanais da Baía de Sepetiba	Brazil
		SKANSKA (Sweden)	Centro de Políticas Públicas para el Socialismo (CEPPAS)	Argentina
			Colectivo Skanska y Land is Life	Ecuador
Privatisation of Public Services and Fundamental Rights	Electricity	General Presentation	Rede Brasileira pela Integração dos Povos (REBRIP) y Redes Amigos de la Tierra	
		SUEZ (France)	Movimento dos Atingidos por Barragens (MAB)	Brazil
		UNIÓN FENOSA (Spanish State)	Movimiento Social Nicaragüense	Nicaragua
			CEIBA – Amigos de la Tierra	Guatemala
			Red de Usuarios del Caribe y Atarraya Nacional en Defensa del Agua y la Energía, CENSAT Agua Viva y Proceso de Comunidades Negras	Colombia
			Asamblea de Pueblos del Sur Acreedores de Deuda Ecológica y Movimiento Mexicano de Afectados por las Presas y en Defensa de los Ríos (MAPDER)	Mexico
			Campaña Internacional: La Ir-Responsabilidad Social de Unión Fenosa. Capítulo I: Nicaragua a Oscuras	Guatemala, México Nicaragua, Colombia

	Water	AGUAS DE BARCELONA	Asociación de Usuarios de Agua del Saltillo	Mexico
		PROACTIVA (France, Spanish State)	CENSAT Agua Viva	Colombia
Ecological and Social Debt	Agro-chemicals	BAYER (Germany)	Red de Acción en Agricultura Alternativa (RAAA) y Deudos de la Comunidad de Taucamarca	Peru
		SHELL (Holland-England)	Movimiento de los Afectados por el Nemagón	Nicaragua
			Movimiento de los Afectados por el Nemagón	Honduras
Financial System and Economic Crimes	Banking and Financial Instruments	General Presentation	ATTAC Argentina y France–Amérique Latine (FAL)	
		HSBC (England)	Jubileo Sur	Peru
		BBVA (Spanish State)	Xarxa del Observatori del Deute en la Globalització (ODG), Ekologistak Martxan, Confederación General del Trabajo (CGT), Ecologistas en Acción, SETEM, Campaña en Defensa de la Amazonía y Movimiento de los Damnificados por el Complejo del Río Madeira, Transnational Institute	Various Latin American Countries and the Spanish State.
		SANTANDER (Spanish State)		Various Latin American Countries and the Spanish State.
Criminalization of Resistance and the Use of Force	Genetically Modified Seeds	SYNGENTA (Switzerland)	Terra de Direitos, Movimento dos Sem Terra (MST) y Via Campesina	Brazil
	Oil	SHELL (Holland-England)	Shell to Sea	Ireland

Presentation by the Colombian Chapter of the Permanent Peoples' Tribunal: "Multinational Companies and Peoples' Rights". Social Observatory of Transnational Companies, Megaprojects and Human Rights

Experts	<p><i>Juan Hernández Zubizarreta.</i> The Laws of Global Commerce -v- International Human Rights Law. Universidad del País Vasco y Hegoa. Spanish State.</p> <p><i>Alejandro Teitelbaum.</i> Some comments on the cases presented to the Tribunal and the Judicial rules they invoke. Internationalist Lawyer. Argentina-France</p>
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