

**The Transnationals/Tribunal Working Group of the Bi-Regional Europe-Latin America and Caribbean Enlazando Alternativas Network reject the final report of the United Nations Special Rapporteur on Human Rights and Business, John Ruggie, and we demand that the UN Human Rights Council define and implement a process for the elaboration and the adoption of a binding legal framework for the operations of transnational corporations, in which the communities affected by the corporations' abuses and social organizations have a voice and effective participate.**

During the process of elaborating his report (2005-2011), the Special Rapporteur refused to receive denunciations from people whose rights had been violated by corporations. As such, he denied the victims the right to be heard and recognized and to have access to justice, and excluded them from the process. At the same time, Ruggie opted for prioritizing transnational corporations' access to and vision in the process, as clearly shown by his decision in 2009 to accept the volunteer services of fifteen international legal centers specialized in providing consultancy services to major corporations.

In the three Permanent People's Tribunal (PPT) sessions, held between 2006 and 2010, more than 100 representatives of affected communities, movements and social organizations in Latin America and the Caribbean denounced the grave abuses committed by approximately 70 transnational corporations. Based on the evidence and the testimonies during the sessions, the PPT concluded that the rights' violations committed by corporations are systemic in nature, and not isolated events<sup>1</sup>. The evidence also proved the existence of a legal framework - composed of free trade and investment agreements and **decisions** from State-investor dispute resolution processes - that facilitates and protects the corporations' operations and allows them to act with impunity. This architecture of impunity, established with the complicity of the States, subordinates the peoples' rights to the corporations' "rights" and their quest for profit.

In this context, in order to guarantee the respect and protection of human rights, it is not enough to propose voluntary mechanisms - such as the *Global Compact* or Corporate Social Responsibility programs - as the Special Rapporteur recommends in his final report. Corporations use these mechanisms to create a smoke screen to hide their abuse and derail any attempt to adopt binding control mechanisms.

Above and beyond these apparent "solutions", it is fundamental to recognize the following:

- "...the State has a non-transferable responsibility for the prevalence of human rights in its realm of jurisdiction and must impede that they be violated, whether by the same State and/or its own civil servants as well as private persons"<sup>2</sup>;
- " transnational corporations, as all private persons, have the obligation to respect the law, and if they do not do it they must suffer the civil and penal sanctions at an international level as well, which clearly emerges of a relatively attentive examination of the current international instruments."<sup>3</sup>

To reverse this situation and ensure that corporations cease to violate human rights, we demand:

- that the UN Human Rights Council (HRC) does not approve Special Rapporteur John Ruggie's report and recommendations;
- that the HRC defines a process for the elaboration and adoption of a binding code of conduct for transnational corporations and the establishment of an International Economic Tribunal based on the principles of truth, justice and reparation, that receives and investigates denunciations of human

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<sup>1</sup> Para ver el Dictamen final de la Sesión de Madrid del Tribunal Permanente de los Pueblos:  
<http://www.enlazandoalternativas.org/spip.php?article983>.

<sup>2</sup> Teitelbaum, Alejandro, *Observations on the Final Report of the Special Representative of the UN Secretary General on the issue of human rights and transnational corporations and other business enterprises, John Ruggie*, Jus Semper Global Alliance, TLWNSI Issue Brief, May 2011.  
[http://www.jussemper.org/Resources/Corporate%20Activity/Resources/Observations\\_to%20Ruggies\\_final-2011.pdf](http://www.jussemper.org/Resources/Corporate%20Activity/Resources/Observations_to%20Ruggies_final-2011.pdf)

<sup>3</sup> Idem.

rights violations presented by the victims - both individually and collectively - against corporations, imposes sanctions on the violators and guarantees that Mother Earth is respected.

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*Transnational/Tribunal Working Group of the Bi-Regional Europe-Latin America and Caribbean Enlazando Alternativas Network*

ACSUR-Las Segovias  
Alianza Mexicana por la Autodeterminación de los Pueblos - AMAP  
Alianza Social Continental - ASC  
Asociación Entrepueblos  
ATTAC Argentina  
Colectivo de Mujeres Hondureñas - CODEMUH  
Collectif Venezuela 13 Avril  
Comité pour les droits humains "Daniel Gillard"  
Confederación Nacional de Comunidades del Perú Afectadas por la Minería - CONACAMI  
Coordinadora Andina de Organizaciones Indígenas - CAOI  
Ecologistas en Acción  
Foro Ciudadano de Participación por la Justicia y los Derechos Humanos - FOCO  
France Amérique Latine - FAL  
Fundación Nueva República  
Hegoa, Instituto de Estudios sobre Desarrollo y Cooperación Internacional del País Vasco  
IEPALA  
Instituto Equit - Género, Economía e Ciudadanía Global  
International Gender and Trade Network - IGTN  
Jubileo Sur/Américas  
La Plataforma Interamericana de Derechos Humanos, Democracia y Desarrollo - PIDHDD  
Movimiento Agrario Indígena Zapatista - MAIZ  
Movimiento Social Nicaragüense - Otro Mundo Es Posible  
Observatório de la Deuda en la Globalización - ODG  
Observatorio de Multinacionales en América Latina - OMAL  
OLEDH  
Partido de Rifondazione Comunista/Izquierda Europea  
Red Mexicana de Acción frente al Libre Comercio - RMALC  
Red de Acción Ciudadana Frente al Libre Comercio e Inversión SintiTechan  
REDES - Amigos de la Tierra Uruguay  
Solidaridad Suecia -América Latina/Latinamerikagrupperna - SAL  
Transnational Institute - TNI  
Unión de Comunidades Indígenas de la Zona Norte del Istmo - UCIZONI  
Unión Nacional de Usuarios de los Servicios Públicos de Colombia