



Call for Submission of Cases to the Permanent Peoples' Tribunal (PPT)

Madrid, May 2010

Dear Friends in Latin America, the Caribbean and Europe:

The Hemispheric Social Alliance and organizations from various European countries, all members of the Bi-regional Europe-Latin America and Caribbean *Enlazando Alternativas* network, **would like to invite you to be part of the new session of the Permanent Peoples' Tribunal (PPT)**. This session is co-organized by the Campaign Against the Europe of Capital, War and its Crises. It will focus on the complicity of the European Union (EU) with the abuses of transnational corporations (TNCs) and denounce the impunity of European TNCs and their impacts on peoples' rights.

This new session of the Tribunal, – the third one to be held at the bi-regional level, – will take place in Madrid, Spain on May 14th and 15th. It will be one of the main activities at the Fourth *Enlazando Alternativas* Summit (EA4). The backdrop for the PPT session will be the Sixth Summit of the Heads of State and Government of the EU, Latin America and the Caribbean, which will bring together more than fifty political leaders of both continents. The Tribunal's conclusions will be presented to the official Summit.

As with previous PPT sessions, the May session aims to give visibility to social movements and citizens' struggles against human rights violations committed by transnational corporations in both continents; to coordinate the struggles against and the dynamics of resistance to transnational corporations' power in Europe, Latin America and the Caribbean; and move the strategy forward towards building an agenda to dismantle the power of transnational corporations in Europe, Latin America and the Caribbean. There are, however, some new aspects that will be developed in this Session.

The PPT session in Madrid will be a moment for giving visibility to the work and analysis accumulated in Vienna and Lima. In Vienna (2006), multiple complaints were brought against TNCs involved in the services, infrastructure, energy, finance and telecommunications sectors (among others). The process was continued on a bi-regional level with the session held in Lima (2008), in which 21 transnational corporations involving ten EU States were denounced. For this session, it will be necessary to focus not only on the TNCs but also on the EU institutions, policies and players that increase TNCs' power and impunity. Another goal is to set the debate on TNCs' human rights violations in the framework of "Crimes against Humanity".

The EU States and their institutions support the corporations with all kinds of economic, legal, media and diplomatic tools. The EU, its Member States - and the European Council and the European Commission in particular - were charged in the PPT Sessions in Vienna and Lima with constructing a legal, economic and financial architecture that allows European corporations to violate human rights in regions where their economic interests lie, namely in Latin America and the Caribbean (LAC) as well as in the EU itself.

The Lisbon Treaty, put in place last year in the European Union in an undemocratic way, will enable these TNCs to re-inforce their practices of violating labour, human and environmental rights in Europe and LAC. Therefore, the main objective of this PPT session is to judge the trade policies of the EU and its member states for creating measures that favour the corporations. It will also judge the bi-regional institutional architecture (governments at different levels, legal norms, the role of TNCs, etc.) which covers up the illegitimate profit making and the widespread impacts generated in LAC by European transnationals.

Therefore, the Tribunal will be structured in 3 dimensions:

- Complicity of the EU, the Spanish State and their policies on European TNCs in LAC: instruments and actors (bilateral treaties, partnership agreements, TNC lobbies, international financial system, international financial institutions, cooperation).
- Impacts of TNCs on peoples' rights (labour, economic, social and cultural rights, ecological debt, peoples' sovereignty, international humanitarian law and human rights).
- Recommendations for a new regulatory framework for TNCs: critique of the corporate social responsibility myth and of public-private partnerships, the imputability of economic, social and environmental crimes.

As was the case in Vienna and Lima, the huge number of companies, countries and topics to be included in the PPT poses a challenge when the time comes to incorporate so many cases. Thus, the cases should be well-documented, the result of bi-regional work and commitment, feasible in terms of the PPT's work and, at the same time, should enable us to continue moving towards the stated objectives.

Since we want to ensure that the process is as broad and inclusive as possible, in order to build it as a good tool for denunciation and for seeking alternative forms of justice, we ask you to take the time to evaluate well the proposal and to disseminate it to those whom you consider pertinent. We then call on you to join the process in two ways:

1. by presenting cases for submission to the PPT .
2. by participating in the working group that is preparing the third PPT session at the bi-regional level.

1. THE CASES:

-Deadline for submitting cases.

There will be an initial exploratory phase in which we ask that those interested in submitting cases to complete and return the attached technical form. The deadline for submission is March 8th now extended to March 11.

-Criteria to be considered and taken into account for the presentation of cases:

- a- That the capital of the transnational corporation, or consortium of transnationals being accused be of European origin.
- b- That, in the case, an accusation be laid against the policies of the European Union or its Member States which increase the power of a European multinational or further its interests through the following instruments (and others): bilateral EU-LAC trade agreements and investment treaties; export credits and insurance, international cooperation policies, actions of the European Investment Bank, etc..
- c- That the actions of international institutions (such as the WTO, World Bank, IMF or regional banks) which favour a European TNC through mechanisms or instruments such as structural adjustment programs, external debt, new loans, consultancies, etc. or institutions like the ICSID that favour these companies to act with impunity be accused.

- d- That the lobby of a European TNC and bi-regional lobbyist groups that have defined trade and investment policies in favour of a European corporation be accused.
- e- That a TNC be accused for impacts caused in a country or countries of Latin America and the Caribbean, Europe or both regions.
- f- That the social organizations and affected populations' strategies of resistance be presented.
- g- That the case be supported by research that provides proof and documentation that sustains the accusations.
- h- Disposition to coordinate the case with organizations in other countries.
- i- That there be a clear and realistic commitment to respecting the work schedules proposed.

- Selection of cases

The process of selecting cases will be conducted not only on the basis (of the evaluation) of an isolated case, but rather according to a comprehensive assessment that takes into consideration the relevance of each case in terms of the general criteria - which must be balanced in the Tribunal as a whole - and our goal to focus on the co-responsibility of the EU and transnational corporations. The cases to be presented at the PPT session in Madrid and how to coordinate the work of various groups who will present the same case (several reports on the same TNC, several complaints about the ICSID, etc.) are scheduled to be announced on March 15.

2. Timeline of case preparation: (Any adjustment of the timeline will be duly circulated)

February 15 to March 8/extended to March 11: Preparation and submission of technical forms for the presentation of cases

From March 8 to March 15: Revision of technical forms and coordination around starting the preparation of the cases

From March 15 to April 12: Organizations and movements prepare the case, to be presented with documentation and evidence

From April 12 to April 19: The Tribunal Working Group revises draft versions of the cases and sends comments to the organizations or movements

From April 19 to April 26: Finalization of the cases

From April 26 to April 30: Translation of documentation and submission of documents to the PPT jury.

From April 30 until the beginning of PPT (mid May): The jurors will assess the documentation.

3. THE TRIBUNAL WORKING GROUP

The working group preparing the Tribunal will assume some of the following functions:

- Select cases.
- Define the final format of the Tribunal.
- Maintain permanent contact with the PPT.
- Accompany the various stages of case preparation.
- Submit the formal request to the PPT.
- Define and implement (along with a communications team) a communications and press strategy before and during the Tribunal.

- Organize the translation of documents.

- Organize a second space parallel to the Tribunal within the EA4 Summit. This session will be independent and will be for future political discussion and strategy.

The final format to be adopted by the session in Madrid will be refined based on these areas and the cases presented. The working group will follow up on all of preparations for the PPT and will present to the Bi-regional network's respective bodies the most important proposals and decisions that need to be taken on a more collective basis.

Please find attached the Technical form and the Conceptual Framework.

And we invite you to become part of the process and forward the completed Technical Forms to:

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