Permanent Peoples' Tribunal

Session on:

Workers and Consumers Rights in the Garment Industry

Bruxelles, 30 April – 5 May, 1998

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Summary

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Background and Procedures

1.1. The request

The request for a Session dedicated to the "Workers and Consumers Rights in the Garment Industry" has been presented by the Clean Clothes Campaign to the Permanent Peoples' Tribunal" (PPT) with the following specific aims and questions.

1. To agree to listen to the testimonies of several people who, directly or indirectly, can come to testify to the working conditions in which the products of the garment and sportswear industries are manufactured. The Clean Clothes Campaign would like the companies concerned to take part in the session too and explain to the Permanent People's Tribunal why the situations described are such and what steps they have taken to change them. The Permanent Peoples' Tribunal will assess what political and legal conclusions are likely to be drawn from these testimonies.
2. On the basis of these testimonies among other things we are asking the Permanent People's Tribunal to specify the international law that could be referred to against the present impunity of the transnational companies. We especially think that it is urgent to legally define the liability of the buying companies towards their subsidiaries, contractors, subcontractors and suppliers, and the working conditions prevailing in these factories.
3. We also ask the Permanent People's Tribunal to assess a third aspect, namely the consumers' right to be informed of the social conditions in which articles of clothing and sport shoes are manufactured. If companies make claims about the conditions under which their products are made, what is the legal right of consumers to know whether such claims are true?
4. Lastly the Clean Clothes Campaign puts the following questions to the Permanent People's Tribunal:
    - What is, from a legal point of view, the meaning of the codes of conduct?
    - What should be included in such codes if we want to maximise their enforceability?
    - How can the codes of conduct already accepted in the garment and sportswear sectors be assessed?
    - How can the Code of Labour Practices for the Apparel Industry including Sportswear be assessed from a legal point of view?
    - Which conditions can be mentioned to make the monitoring of the codes of conduct be efficient?

1.2. The acceptance of the request and the notification to the concerned parties

According to its Statutes, the Permanent People's Tribunal examined the appropriateness of the request to its competence and goals, as well as to the contents and methodology of the investigations and documentation being prepared, and declared its acceptability.

The accused parties were informed of this session of the Tribunal, according to the rules set out in articles 14 and 15 of the Statutes. Further action was taken by the proponents of the request and by the Tribunal itself to assure that all the appropriate information would be available to the firms which had been selected as relevant model cases for the hearings.

1.3. The framework for this Session in the history and doctrine of the Permanent People's Tribunal

The aims and the content of this session have deep roots and reflect close continuity with the investigations and the judgements of some of the previous sessions. The main conclusions of those sessions specifically relevant to the present procedure are worth being briefly recalled.

The two verdicts pronounced by the Permanent People's Tribunal on the responsibilities of the International Monetary Fund and the World Bank (Berlin, 1988; Madrid, 1994) have documented in great detail the structural economic and financial adjustments which have occurred at an accelerated pace over the last 15 years. Those adjustments have become a principal and widespread cause of violation of fundamental human rights for entire populations, who are living and dying in inhumane conditions, while small minorities are becoming increasingly wealthy.

We are confronted with a profoundly changed international scenario, where transnational firms and financial institutions are often more powerful protagonists than States. International law (the roots of ambiguity of which have been formally explored by the Permanent People's Tribunal in its *ad hoc* Session, Padova-Venezia, 1992) is faced with the challenge of reconstituting its approach and instrument. The possibility (and so often the sad reality) of impunity granted by the international community to individuals and institutions responsible of crimes against humanity (Permanent People's Tribunal Session in Bogotà, 1991) is even more real when economic factors and interests are involved. The powerlessness of existing laws and judicial forums confronted with the massive violations of fundamental rights by private transnational corporations such as Union Carbide in the Bhopal disaster (Permanent People's Tribunal Sessions on Industrial Hazards, Bhopal, 1992, and London, 1994), and by the international organisations such as the IAEA dominated by private and corporate interests (Permanent People's Tribunal Session on Chernobyl, Vienna, 1996) is at the same time a matter of fact, and a challenge. Such institutions raise a new type of consciousness, and solidarity, as well as stimulate exploration of new paths for assuring a more adequate representativeness of workers and communities (*Charter on Industrial Hazards and Human Rights*, by the Permanent People's Tribunal jointly with The Pesticide Trust, UK, and the Other Media, India, 1996).

This scenario has also – and most dramatically – documented that the repressive dominance of the international scene by the laws of an economy governed mainly by market and financial

criteria. This economy has little or no respect for the social conditions and clauses, and has its greatest impact on the weakest components of society, namely women and children (Permanent People's Tribunal Session on the Violation of the Rights of Childhood and Minors, 1995).

1.4. The proceedings and the reference documentation.

The Permanent People's Tribunal based its decision on the following:

- the doctrine of the Sessions specifically quoted in paragraph 3 above, and the documents and legislation of international law referred to there;
- the oral and written evidence presented in the course of this Session on individual cases and on general themes.

1.5. The Cases

NIKE

Oral testimonies:

Rapporteur: Rudy De Meyer *(NCOS – Belgium)*

Testimonies:

- Rafiqul Islam Sujan
  former YoungOne (Dhaka Free Trade Zone) worker, Bangladesh
- Vivien Liu
  Representative of the Asia Monitor Resource Center (AMRC), Hong Kong
- An Van Raendonck
  Young european consumer, Belgium

Documents:

Case's File: Nike, Clean Clothes Campaign, April 1998

Defense:

Nike has exercised its right of defense through the submission of a dossier introduced by a covering letter by Dusty Kidd, dated April 28, 1998, together with extensive documentation produced by Nike on the topics relevant to this session of the Permanent People's Tribunal. The dossier has been presented to the Jury by the Secretary General of the PPT.

H&M

Oral testimonies:

Rapporteur: Kristina Bjurling *(Sweden Clean Clothes Campaign coordinator)*

Testimonies:

- Amirul Haque Amin
  General Secretary of the NGWF, Bangladesh
- Rosario Bella Guzman
  IBON Foundation researcher, Philippines

Documents:

Case's File: H&M, Clean Clothes Campaign, April 1998

Extract of the Swedish television program on H&M

Defense:

H&M has exercised its right of defense through the presence of Ms. Ingrid SCHULLSTROM, who provided oral testimony to the Permanent People's Tribunal and was available throughout the session to answer to the questions raised by the Members of the Jury.

LEVI STRAUSS

Oral testimonies:

Rapporteur: Jacques Bertrand *(Development and Peace, Canada)*

Testimonies:

- Emilia
  Worker of the PT. Kaisar Laksmi Garment, Indonesia
  President of the Garment Workers Association
- Mr. Ciao
  China Labour Bulletin, Paris
- Esther de Haan
  SOMO researcher

Documents:

Case's File: Levi Strauss & Company. Corporate Profile and Case Material, Clean Clothes Campaign, April 1998

Defense:

The Company refused to appear in a "lose-lose situation".

OTTO VERSAND

Oral testimonies:

Rapporteur: Ingeborg Wick *(Südwind Institut für Ökonomie und Ökumene)*

Testimonies:

- Vivien Liu
  Representative of the Asia Monitor Resource Center (AMRC), Hong Kong
- Rosario Bella Guzman
  IBON Foundation researcher, Philippines

Documents:

Studie von Ibon, "Arbeitsbedingungen in philippinschen Bekleidungsfabriken mit Beziehungen zu deutschen Unternehmen", in *Kleiderproduktion mit Haken und Ösen*, Südwind – Instut für Ökonomie und Ökumene, Siegburg, Oktober 1997m pp.39-78

Case's File: Otto Versand; Adidas, Clean Clothes Campaign, April 1998

Defense:

The Company refused to appear, advocating a forthcoming meeting with the German CCC as a most appropriate form.

C&A

Oral testimonies:

Rapporteur: Willy Wagenmans *(FNV representative, the Netherlands)*

Testimonies:

- Amrockiam Aloyisius
  SAVE representative, India
- Amirul Haque Amin
  General Secretary of the NGWF, Bangladesh
- Hugo Van der Elst
  LBC, Belgian trade unionist
- Freddy Mpofu
  National Union for the Clothing Industry, Zimbabwe
- Peter Custers
  CCC campaigner since 1991

Documents:

Case's File: C&A, Clean Clothes Campaign, April 1998

Defense:

Following repeated contacts, the Head of corporate communications justified the non-appearance because: *"we did find the approach adopted by the Tribunal to be most confrontational"*.

WALT DISNEY

Oral testimonies:

Rapporteur: Carole Crabbé *(Vêtements Propres campaign, Belgium)*

Testimonies:

- Yannick
  Batay Ouvriyé, Haïti
- Artémise Jean,
  Haitian worker

Documents:

Case's File: The Walt Disney Company in Haïti, Clean Clothes Campaign, April 1998

Defense:

None.

ADIDAS

Oral testimonies:

Rapporteur: Günther Dickhausen *(Chairman of the education board and member of the executive committe of the German Trade Unions Federation, DGB)*

Testimonies:

- Vivien Liu
  Representative of the Asia Monitor Resource Center (AMRC), Hong Kong
- Lambreta Sivanowa
  Secretary of the KNSB, Bulgaria

Documents:

Case's File: Otto Versand; Adidas, Clean Clothes Campaign, April 1998

Defense:

Following repeated contacts, the non-appearance was motivated with a forthcoming launch of a code of conduct.

1.6. General Reports

The Permanent People's Tribunal has listened to and included in its documentation the following reports presented by experts appointed by the same PPT:

- Sergio Bologna, *The socio-economic aspects of subcontracting*, Milan (Italy), 1998.
- René De Schutter, *On the codes of good conduct*, Brussels (Belgium), 1998.
- Pierre Dejemeppe, *Le droit du consommateur à être informé des conditions de production*, Brussels (Belgium), 1998.

1.7. Further documents

BIT, La mondialisation des industries de la chaussure, des textiles et du vêtements. Organisation Internationale du Travail,Genève, 1996.

Carole Crabbé, René De Schutter, Denis Lambert, Paul Gruselin, Christophe Scohier, La mode déshabillée, Magasins du monde-OXFAM, La Déclaration de Berne, Orcades, 1998

Chambre des Représentants de Belgique, Proposition de Loi insérant un article 10quater dans le titre préliminaire du Code de procédure pénale, en vue de l'incrimination universelle de certaines violations des droits sociaux fondamentaux (déposée par M.Dirk Van der Maelen)

Code of Labour Practices for the Apparel Industry including Sportswear.

Council on Economic Priorities Accreditation Agency (CEP), Social Accountability 8000, October 1997

Michel Bonnet, Regards sur les enfants travailleurs, Page Deux, collection Cahiers Libres, 1998

Nathalie van Loon, The Clean Clothes Campaign. Campaigning to Improve the Working Conditions in the Garment Industry Worldwide, Clean Clothes Campaign, February 1998 (includes the CCC European Code of Conduct).

Parlamento Italiano, Disciplina della subfornitura nelle attività produttive, Testo approvato in via definitiva dal Senato della Repubblica il 7 aprile 1998, non ancora promulgato o pubblicato nella Gazzetta Ufficiale.

Schone Kleren Campagne (Belgium/Flanders), International Workshop on: Indipendent Monitoring of Codes of Conduct, Brussels, May 4th, 1998

Introduction

The Permanent People's Tribunal is a *Court of the People*.

Permanent People's Tribunals are *Public Hearings*.
They provided a space, a *public space*, where the *voices of the dispossessed* are heard:
the real life experiences of exploited workers, migrant workers, women workers.
The Tribunal listens to their stories in their own words;
it keeps memories alive.

Listening to these testimonies challenges the *dominant paradigm* of *knowledge*
refusing to accept that the only way to know is objective, distanced.
They invite us to accept another way of knowing, for
how can *poverty* be *understood* without *knowing the poor*?
They help move to deeper knowledge,
weaving together the *objective* analysis with the *subjective* testimony,
the *personal* with the *political,*
challenging the *logic of the dominant discourse*
of human rights, of development, of globalisation, of all that is hegemonic and powerful:

The Tribunals are one attempt to *re-define broader political spaces*
to break new ground.

This Tribunal received powerful and poignant testimonies:

A subcontractor in Mauritius, producing for a Company in Europe, employs 300 Chinese workers. The women work seven days a week. Monday through Friday: they work from 7:30 am until 11:30 pm, Saturday they work until 16:00 and Sunday till noon. Their 30 minute dinner breaks and their time off is spent at housing facilities provided by the Company. Women live literally on top of each other, 4 to 8 per tiny room. Their housing facilities are cramped, ...

In Bangladesh, the Clean Clothes Campaign found a factory, where wages are below the legal minimum and working hours exceed the legal maximum.

In another factory in Indonesia 3,000 workers share just ten toilets.

In a factory in Haiti women are the majority: there are no facilities of maternity leave or day care centres for children. Pregnant women had to be sent home: almost all women are

abused.

Several testimonies and research case studies focused on the fact that, in almost all situations eighty per cent of the workforce are women. Globalisation has brought with it a *globalisation of poverty*, and a *feminisation of poverty*. Poverty indeed, has a woman's face.

Globalisation is a very complex set of processes that has different dimensions – political, economic and cultural. Globalisation politically is pressurising the *South*, the *South in the North* and *countries in transition* to accept a human rights discourse tied to a market economy. Economically, it hegemonises through the structural adjustment programs of the world financial institutions, overwhelming debt and the liberalisation of the domestic economies to allow the unrestricted entry to transnational capital. Globalisation at the cultural level not only expresses itself through the spread of consumerism, *its culture and its ethic*, but is a serious threat to community values and cultural diversity.

Globalisation is creating a new poverty.

II. The Social Practices of the Firms of the Garment Industry and Their General Context

In order to understand the general character of the facts which have been presented to the Tribunal and which cannot be attributed only to one or to a small group of enterprises, we must reveal first what is the general economic context influencing the production process in the sectors of the garment industry across the world.

II.1. General economic and political aspects

In times of "globalisation" – a word which very often is misused as a way of denying any responsibility for wrongdoings of governments or corporations – Transnational Corporations (TNCs) have more opportunities for optimising their strategies for profit making than ever before. Economic globalisation has been accompanied by political deregulation so that state control of market processes is considerably reduced and the freedom of choices of economic actors by the same token is being rapidly extended. The nation state in the western tradition for at least 300 years always provided the legal framework for market processes; today the reduced impact of the political system on economic decisions is resulting in a far reaching denial of social obligations or environmental commitments by economic actors.

The deconstruction of legal obligations has a negative consequence for the working of markets because competition needs rules in order to prevent a disastrous "race to the bottom". Regulations on working hours and other conditions or health and safety of workers or use of the natural environment exert a civilising effect on wild and unregulated competition. However, globalisation and deregulation are exactly destroying these limits on unfettered capital accumulation. A critical question is whether and how efficiently voluntary codes of conduct and other forms of "self-obligations,, vis-à-vis workers, concerned citizens and their organisations can substitute for an internationally enforceable legal framework of decisions undertaken by transnational firms.

II.1.1. The global economy

Before coming back to this question it is useful to highlight the main features of the global economy in the 1990s. They can be summarised in four important points.

A new world order.

First, economic globalisation in the understanding of TNC representatives or officials of international financial and trade organisations and of a great part of the public means nothing else than the establishment of a "new world order" without any alternative. The collapse of actually existing socialist economies a decade ago therefore is interpreted as a clear sign that modern capitalism (free market and formal democracy) is the best possible social, economic and political order mankind ever invented and set into reality. Alternatives not only make no sense, they even cannot work. The lack of alternatives is one reason for the predominance of neoliberal

thinking ("pensée unique") in all parts of the world. The effects of this reasoning are highly negative. Much of the rights and wrongs TNCs are committing are justified ideologically by this reasoning. Social movements today therefore are faced with the necessity of justifying their demands and requests against the ideologically rigid orthodoxy of neoliberalism.

Intensive competition.

Second, globalisation means more and more intensive competition. The economic (and therefore also political) relations between countries and regions have become as dense as never before in history. World trade during the last decades grew twice as fast as world production. But production of TNCs 1994 amounted to US$ Bn5500, i.e. more than world trade (US$ Bn3600). These figures underscore the importance of TNCs which cannot be indicated by trade figures alone. Whereas world trade is ruled (regulated in a deregulated world) by the World Trade Organisation (WTO) according to the principles of "free" trade, there is no regime for controlling global production although the figures indicate the importance of global chains of value production on men and women, on peoples and states.

In the legal framework of the World Trade Organisation, products are understood as "like products". So far as products are "like products", governments must deal with them as if foreign made products are home made products. The way in which the GATT-panel settled the tuna-dolphin dispute between the USA and Mexico confirmed this rule. Therefore, according to the international trade rules the diversities of the production process of "like products" do not matter. It is not considered important whether the products have been produced by degrading the environment or by employing child labour or in "union-free zones" or by violating the rights of women.

During the trade talks of the Uruguay Round (1986-1994) all attempts to establish rules for the protection of the environment and of labour were rejected. Negotiations within the WTO after completion of the Uruguay Round have only put ecological issues on the agenda for debate. Social clauses concerning worker rights in trade rules explicitly have been rejected. The argument was that the ILO existed to deal with these issues. The problem of the ILO in times of globalisation however is, that it is based on a "tripartite" arrangement between governments, employers and workers unions. Governments are rather weak vis-à-vis global corporations and are following the line of a "competitive state" promoting its own "competitiveness". The interest of employers in this arrangement basically is directed against the establishment of social clauses and the third party, trade unions, are split over the question between the "North" and the "South". Consequently, the chances for the establishment of enforceable rules (on workers and environmental standards) in the years ahead are very dim.

Predominance of financial markets.

Third, on currency markets the daily turnover is approximately US$ 1,570 bn (1996), but nearly 95% of this amount is not related to material flows such as trade in investment goods. It is used for speculative objectives. The global financial markets are characterised by extreme instability which regularly result in financial crises. In the decade of the 1990s, firstly Europe was hit by a financial crisis (1992/93), then Mexico (1994/95) and finally Asia (1997/98).

The Mexican and Asian crises provoked in several countries very rapid currency devaluation of more than 50 per cent. Such devaluation trigger inflationary pressure, lower contract incomes (real salaries and wages), and enforce an increase of exports so that newly indebted countries can service their growing foreign debt. This triggers a brutal process of redistribution from wage

earners to wealth owners and the enterprise sector. It is no wonder that under these conditions of financial globalisation, working conditions in many countries are deteriorating. Therefore it is of utmost importance to find some remedy to discourage speculation; such as the Tobin Tax which would tax short-term international financial transactions.

Ecological globalisation.

The fourth point, only mentioned briefly here, is ecological globalisation. Environmental degradation has a global reach, from the green house effect to the extinction of species and the destruction of tropical rain forests in the Amazon and Southeast Asia. With regard to ecological issues a global structure of "governance" is emerging in which NGOs have an important part as representatives of citizens in all parts of the world, as "stakeholders".

II.1.2. The legal dimension

In this emerging environment of legal deregulation, i.e. of a strengthening of economic actors and a weakening of political institutions and opportunities for democratic participation, self impose obligation by TNCs to observe rules laid down in a code are at best only a first step and a temporary solution. The long-term solution (an international legal framework protecting the environment and labour by means of enforceable law), however, is not now possible.

Codes of conduct in an era of globalisation firstly are jeopardised by abrupt changes in the economic environment, e.g. by a financial crisis affecting the corporation and enforcing it to reduce costs brutally. Sometimes this is an excuse, sometimes perhaps not. For NGOs and trade unions it is not always possible to find the truth because access to internal data of TNCs normally is very restricted. Enforceable laws mandating greater transparency can strengthen stakeholders against these excuses which sometimes prove to be nothing less than blackmail committed by companies against their workers, suppliers and customers.

Under enforceable law secondly the single company knows that no other company is able to exploit the situation in order to improve its position in global competition. Thirdly, the prerequisite to the establishment, implementation and monitoring of codes of conduct is the emergence of a global counterpart of TNCs, in the form of networks of trade unions, NGOs, and social movements from different parts of the world.

These networks function in very different ways from the rules and structures set up by international organisations in which governments of nation states participate. In the system of nation states, participation of citizens is channelled through a system of representation in order to legitimate the government's sanctions; such arrangements typically also apply to international agreements and treaties. A network like the Clean Clothes Campaign however, promotes participation without complicated mechanisms of representation directly to the international or global level. It is focussed on enforcing TNCs to observe and respect human, citizen, workers and environmental rights about the validity of which there exists a broad international consensus.

II.2. Transnational Corporations in the Global Political Economy

The testimonies and other evidence submitted to this session of the Tribunal underscore the reality – and the consequences for workers and consumers – of a fundamental shift in the global political economy in the last half century. No longer are nation states the only actors, and in some cases, not even the principal ones in the international system.

The 15 largest mega-corporations have gross incomes greater than the gross domestic products of over 120 countries. The 500 largest companies control 70% of world trade. Even more striking is the rapidly increasing concentration of economic and political power in corporate hands, suggesting that this concentration will be even greater in the future decades. In a single year, 1994, the Global 500 revenues increased by 9%, far more than any national economy, and their profits by a colossal 62%. In that same year, these corporations eliminated 262,000 jobs.

Even more striking still is the startling route of capital accumulation by the top 200 corporations. Measured as a share of world GDP, the velocity of transnationalisation of capital is stunning: from 17% in the mid-1960s to 24% in 1982 and over 32% in 1995.

The impact of these trends is beginning to manifest itself in the international system. The recent creation of the World Trade Organization and the vast expansion in the reach of GATT to encompass not only trade in goods (its traditional role) but also intellectual property, financial and other services, agriculture policy and trade related investment measures, further insulates global corporations from real democratic control. Even more audacious is the proposed Multilateral Agreement on Investment (MAI), which seeks to enshrine complete and unfettered mobility of capital as a global, legally enforceable private property right. If MAI becomes a reality, global corporations will have succeeded in legalizing their impunity from abuses of Human Rights of workers and communities throughout the world.

But already, control of capital by global corporations is close to absolute. Their capacity to shift production to lowest cost locations anywhere in the world, in the continuing race to bottom, is acutely evident in the garment and sportswear industries. Indeed with the emergence of "out sourcing" (i.e., the contracting or subcontracting of production to other parties as the dominant production mode in this industry), precious little capital investment moves from one place to another. Corporations claim that their right to contract and to enforce contractual obligations – another private property right – takes precedence over the rights of peoples to work with dignity and to a safe environment for them and their families.

II.3. New dimensions in the production process and their effect on working conditions

In the general framework of the transnationalisation of corporations, delocalisation of companies and the globalisation of the economy, there are several phenomena which, while not entirely new, are typical of the current situation, given their development and depth. One of these concerns the fragmentation of the production process by which major multinationals maintain direct control of activities at the beginning and the end of chain (that is to say research and conception on one hand and the sales and marketing on the other), while

conserving only indirect control on strictly production activities which are subcontracted to intermediaries.

II.3.1. New division of work

In fact, more and more, certain parts of major companies are concentrating non material tasks in their own hands while handing over to others (by subcontracting) direct production tasks. It goes without saying that the cost of non material tasks is becoming even more important in the final cost of the product. They are far from being the most profitable area while the practice of delocalisation to subcontractors reduces the costs attributable to direct production.

This situation strongly influences the international division of labour. It is not only the geographic location of investments and industrial installations which is changing, it is not only inequalities in salaries and global social conditions which are becoming shocking, but working relations are becoming fragile, posing a menace for the safety and, too often, for the dignity of workers. The widening gulf between the mother company and the workers involved is increasing the anonymity of working relations. The lack of nearness is accentuating lack of responsibility. We are seeing a transfer of responsibility to the middle men. Management is controlled remotely, allowing over exploitation of the workforce. The door is opened to social dumping, profiting from inequalities on a global scale.

Recently, the international division of work has been seen to increase on an unexpected geographical scale. Delocalisation of multinational companies and the subcontracting of the production process has now found two new zones of penetration : regions of the South among which one can count also several newly industrialised countries; and East European countries. The former, in Asia or Latin America, often designated as under developed, are countries where pre-capitalist economies often dominate important areas of society. The second are countries which wanted to avoid capitalism and considered themselves to be post capitalist. Both types of country are now being integrated in an increasing manner into the logic of the global market. The international capitalist system has absorbed these countries, whether pre-capitalist or post capitalist, to create new peripheries.

II.3.2. The role of peripheries

In these peripheries, whether the new ones or the old ones (such as those in the Mediterranean basin), is being seen the growing international social hierarchy with new roles for regions and agents. One can say that in this dynamic on a world scale, the proletariat is being delocalised or is being found more and more in the South and East. The decision centres stay in hands of the corporations in the North, becoming more and more concentrated.

The textile and fashion industry, as well as sports equipment, constitute probably one of the most obvious examples of this phenomenon of fragmentation of the production process and the associated social effects.

This type of industry is being affected more and more by the effort of rationalisation and increasing competivity, from product to distribution. In effect the competition in the mass consumer goods sector is switching increasingly from product quality to the quality of supply chain. This is a sector where working conditions are particularly hard (think of the conditions

of sailors in the merchant navy, transport workers or workers in distribution centres).

The manufacturing segment is losing its importance to the supply chain. The level of subcontracting in the supply chain is perhaps even more important that of the production sector. As a consequence, if we are going to regulate commercial relations between buyer and subcontractors, it is necessary to take into account the whole production/distribution process.

The system of subcontracting which allows multinationals to establish unregulated working conditions, child labour, abusive hours of work, absence of social security, etc. in countries which do not belong to the OECD, is affecting today even the older industrial countries where it is now possible to find situations of near slavery, child labour and long working days.

II.4.Legal context

Working conditions in the garment industry are generally considered, at first view, as subject only to the national laws of the country in which the activity takes place. These national laws are often insufficient. In certain countries to which the clothing industry is delocalising, such laws are only embryonic. As a result, working conditions are often subject to practices conceived and put in place by the transnational corporations. These companies are more and more drawing up codes of conduct to regulate working conditions. That is why at first view working conditions appear subject only to local laws or the good intentions of the companies.

This way of looking at the situation depends also on the fact that international law is actually powerless to tackle problems posed by serious attacks on workers' rights. However, numerous conventions as well as general principles of international law are applicable to working conditions in the garment industry controlled by transnational corporations. This body of international law consists of customary regulations which are often incorporated in multilateral or regional conventions or declarations, principally :

- the UN charter
- the universal declaration of human rights of 10 December 1948
- the convention against slavery and forced labour
- the international covenant on civil and political rights of 16 December 1966
- the international covenant on economic, social and cultural rights of 16 December 1966
- the convention on the elimination of all forms of discrimination against women of 18 December 1979
- the UN convention on the rights of the child of 20 November 1989
- the ILO conventions.

These rules, even though adopted after long social struggles, were drawn up by states often reticent about the aspirations of workers. That is why they are often vague or too general to tackle situations where the basic rights of workers are not recognised.

Most of these international tools require recognition of rights which are extremely useful for

the protection of workers. But they often leave the states themselves to draw up appropriate measures to valorise these rights. In addition, the system of sanctions against unwilling or weak states or against the companies responsible for the violation of these rights is extremely fragile or non existent.

In most cases, putting in place of regulations and rights established requires interpretation for their application on a case-by-case basis and the intervention of the legislator or government to draw up the necessary conditions : the reticence of states in these areas places the power of interpretation in the hands of the contractors, particularly when there is no competent, independent legal authority. This situation is even more prejudicial to workers where the states, notably authoritarian states to whose territory factories have been delocalised by transnational corporations, have political attitudes which match, for multiple reasons, the strategies and practices of these companies.

In other words, these states are fully implicated in the shortcomings of the current national and international legal systems. From a global point of view, the responsibility of the states and the transnational corporations is real whatever the difference in level that can be seen concerning the refusal to recognise workers rights and the repression of their legitimate demands.

III.Judgment

III.1.Evidence

According to documents based on reliable research and on a great number of direct witness accounts and after hearing during the session of the Tribunal from witnesses coming from a number of countries in Asia, Africa, Latin America and Eastern Europe, we can summarise in the following way the various denials of justice and violations of laws that we have noted.

III.1.1. Extended working hours

In all the cases studied, grave violations of labour laws have been reported in respect of working hours: 60, 70 or even 100 hours work per week; night work without extra payment; obligatory overtime, often without notice and on threat of dismissal; non-respect of weekly rest days.

III.1.2. Insufficient remuneration

Wage below the legal minimum, itself often below subsistence level, in the country of the subcontracting firms; arbitrary deductions from the salaries of payments for food, lodging and transportation; delayed payments of salaries; no extra payment for overtime hours; no compensation for workplace accidents; wages reduced in case of failure to respect overstrict production targets; fines for minimal absence from work; different wage scales for men and women.

III.1.3. Disastrous working conditions

Unhealthy working conditions, created by heat, lack of ventilation, lack of space; lack of protection, resulting in very high rates of work accidents; factory doors locked, representing a danger in case of fire, earthquake, etc. Also a lack of sanitary facilities, especially for women; an absence of crèches for children.

III.1.4. Violation of labour laws

Absence of work contracts; prohibition of trade unions; denial of collective conventions; arbitrary dismissals without compensation; obligatory overtime; non-application of existing local laws on working hours, work conditions, minimum wage and security; lack of publicity of codes of conduct when existing; denial of the right to strike. A particular emphasis must be placed on the existence of child labour, in workshops or in their homes, often during long hours and in very unhealthy conditions.

III.1.5. Non respect of human dignity

Absence of privacy in the factories; dismissal of pregnant women; limits in the use of sanitary facilities; prohibition of marriage for girls; wages below basic family needs; sexual harassment of women workers within and outside the factory compound; child labour for sometimes more than 10 hours a day; physical punishment; locked factories transformed into kind of jails.

It must be recorded also that strict fiscal conditions are imposed on the States organising Free Trade Zones: full repatriation of profit, full tax exemption for imports of raw materials, tools, transportation means, know how, and also for local taxes, without mentioning the request for infrastructure to be financed by the local State.

III.1.6. Conclusions

1. Such situations concerning hundreds of thousands of garment and sportswear workers in the South and in the East are similar to the social conditions existing in Europe and in North America during the 19th century, but not completely unknown today in those regions. They affect in particular women, who form the great majority of the workforce in this industrial sector, adding to existing gender discrimination a factor of exploitation.
2. That this is practised by firms at the end of the 20th century means that "savage capitalism" is not a question of time or space, but of the low capacity of resistance of the working class concerned. Globalisation adds a new dimension to the phenomenon.
3. Two companies accepted to express their position to the Tribunal. Their main arguments were : the absence of responsibility for wrong practices of sub-contracting firms; the adaptation to local social and wage conditions; the adoption of (unilateral) codes of conduct; the necessities of competitiveness. Five refused to be present or to answer, generally because they considered that the Permanent Peoples' Tribunal was not a fair forum.
4. Some improvements have been noticed after the action of social movements and specific campaigns, showing that the enterprises did not take spontaneously such measures, but reacted only under pressure. Some did not hesitate to delocalise production, once some improvement had been obtained.
5. The level of profit of the transnational companies studied during this session of the Tribunal, when known, appears to be very high. There is no doubt that it is in great part the result of the tremendous exploitation of the working class, and in particular of women, of the South and of Eastern Europe. It has also been calculated that a local worker of a specific peripheral country had to work for 70 years to earn what the top manager of one of those transnational companies was earning in one hour.
6. The social practices revealed by the hearings of the Tribunal are so common in the peripheral zones of central capitalism that it cannot been explained only by the behaviour of one or a few individual companies. It responds to a logic of profit making, which is at the basis of the capitalist system. The decreasing profit rate, because of technological change and wage increases in societies at the centre, leads the companies to search new margins of profit in the peripheries and to explore new frontiers.
7. The weakening of the state, all over the world, including the former or present socialist countries, because of neo-liberal policies encouraged by the Western powers and by the

international financial organisations or because of corruption, is reducing the capacity of resistance by lower social groups.

8. The weakening of workers' organisations under the impact of a growing informalisation of the economy and in many countries of the South as the result of repression of social movements, is also a negative factor for the balance of power between such companies and the workers depending directly or indirectly on their economic policies.

9. The cultural destruction provoked by such economic and social practices is considerable, resulting in family breakdown, abandonment of basic solidarity, disorientation of young people, contempt for human life, individualism and even despair.

10. The Tribunal has come to the conclusion that the seven firms studied, NIKE, Levi Strauss, H & M, C & A, Adidas, Otto Versand and Walt Disney, were all guilty not only of violating several dispositions of labour laws, but also of lack of respect for human dignity, and thus violation of basic human rights. According to information received by the Tribunal, such practices are common among the majority of the firms in the sector. The codes of conduct elaborated by the companies were never drawn up in collaboration with the local workers. Most of the time the existence of such codes is not known by the workers and worst of all, in many instances the codes are not observed. Their verification remains often theoretical and the so-called independent bodies in charge of this task are not constituted by those principally affected, i.e. the workers themselves, and even less, not to say never, by trade unions. Most of the time there is complete impunity for the corporations facing such situations.

11. New forms of pressure are thus necessary to transform unbearable situations. One of them is the Clean Clothes Campaign, which has found ways of exercising pressure on the companies at home and of mobilising various social groups and in particular young people. It helps also to create solidarity with the existing resistance and struggles of the working class in the periphery. In order to obtain long-range results, their activities will have to be more and more linked with the actions of the trade unions, of the consumers' defence groups and of the popularly oriented NGOs. Such actions cannot be limited to immediate goals, even if they are necessary, but it should also envisage the transformation of the existing dominant economic system.

III.2.Enforcement of codes of conduct

Voluntary codes of conduct are by their very nature a form of self-regulation. As such, they are not generally enforceable in courts of law and may even have the perverse effect of undermining local labour and environmental laws.

Codes of conduct may, of course, involve a contractual commitment between a company and an outside body to observe certain labour and/or environmental standards, but even in such situations, effective monitoring is crucial and enforcement of contractual terms is expensive, time consuming and far beyond the reach of the individual worker whose right to work with dignity and fair compensation in a safe environment may have been violated. Codes of conduct, nonetheless, play an important role in pressurising companies through public opinion to improve the treatment of workers producing the goods they market.

Even where there are government regulations that are based, for example, on the International Labour Organisation's core labour standards, enforcement by workers or their unions, where these exist, remains difficult. In the United States, it is illegal, under the National Labor Relations Act, to fire workers for trying to organise a union. But companies routinely fire such workers, knowing that few workers can sustain a regulatory adjudication process that is very costly to the worker and takes several years but is trivial to the company.

A similar situation applies, in the USA, to environmental and occupational health and safety regulations. The U.S. Department of Labor has 800 inspectors to monitor the provisions of the Fair Labor Standards Act (which prohibits child labour, for example) in tens of thousands of work places throughout the USA[1]. The Occupational Safety and Health Administration has only enough inspectors to visit all the production sites for which it is responsible for monitoring every 80 years. And when fines are imposed for violations of environment and labour laws, they are often so small that it is cheaper for the company to pay the fine rather than correct the condition.

If these kinds of problems of enforcement exist in the USA, they will be unlikely to be any less in many of the countries to which production in the garment and sportswear industry has shifted in recent years. But enforcement can only occur when there is effective monitoring of working conditions and herein arise more problems for workers and for consumers who do not want to buy goods produced by workers who are not treated fairly and compensated adequately.

Independent monitoring is a minimum condition for meaningful codes of conduct. But who does the monitoring is crucial. Companies often turn to for-profit companies such as accounting firms or other agencies which do not have the confidence of the workers. Even not-for-profit organisations which earn substantial fees from making "social audits" of companies may not have the trust of workers. Some advocates of codes of conduct (specifically in USA) as a consequence urge that monitoring be undertaken by local human rights or religious organisations which are trusted by workers.

The central goal of the labour rights movement must be the empowerment of workers. This means some form of worker organisation since it is almost impossible for single workers to defend their rights when violated by aggressive and unscrupulous employers. Workers themselves are their own best advocates.

But notwithstanding these difficulties with monitoring and enforcement, codes of conduct represent an important opening wedge in the struggle for universal acceptance of worker rights in a healthy workplace. By defining standards for child labour, working hours, overtime and other working conditions in concrete terms, these codes give us precise benchmarks by which to assess the degree to which companies are actually fulfilling their rhetoric about respecting human rights and the environment.

Ultimately, however, active participation of workers and their communities in investment and contracting decisions by corporations is the only certain way that codes of conduct can be effectively monitored or enforced. Otherwise there is nothing to prevent these corporations from taking their production elsewhere. In the meanwhile, efforts by social movements like the Clean Clothes Campaign to inform consumers about the conditions under which goods they are buying are produced and to encourage them to make responsible choices play a vital role in the struggle for worker, consumers and environmental rights.

1 Nordstrom, by way of illustration of the magnitude of the problem, has 60,000 production sites worldwide.

Codes of conduct are an important tool in this struggle. Here are three steps to enhance their impact:

1. Self- imposed codes by companies should be transformed as quickly as possible into agreements with unions, consumer organisations or other popular bodies.
2. An "independent" formula should be put in place to make it possible to follow more closely, if not exercise control over, the ways companies treat their workers.
3. We must work toward national and international juridical standards that encompass the principles of these codes, including not only the rights of workers but also the rights of consumers and practices such as social labelling.

III.3.Consumer's Rights

The question raised before the Tribunal can be split into two parts.

a- Have consumers, as individuals and as a collective entity, the right to be informed about the conditions of production of what they buy?

b- What are, if any, the legal tools which are available to affirm such a right, and to enforce the duties of the producers to provide honest information?

Three general remarks are useful in providing a framework for the exploration of answers to these questions:

1- It is clear that the control and the intensive use of information is a central component of the strategies of the transnational corporations, particularly in the garment industry. The imposition of consumption patterns is pursued, using all available advertising techniques, which are targeted specifically at the young. They are enticed by myth-idols which favour the identification with and the illusion of sharing their images and power by adopting the same clothing appearance. Any intervention intending to modify the strong cultural dependence which is created with these mechanisms should take into account that only strategies with a broader cultural scope can possibly be able to influence consumption patterns.

2- The right to information is a key component in the liberal conception of the world and finds its principal expression and condition in the free competition of market forces. A well informed consumer is seen as a decisive factor in assuring the prevalence of one company over others. The adaptive capacity of the liberal model is well known: it is expected that it will be able to incorporate and use to its own advantage almost any request for adjustment, provided it does not adversely affect the core of its interests. If we consider its historical development, the protection of consumers has been given priority every time it coincided with the protection and expansion of the market. Such a utilitarian vision can be seen as the background to the development of a market consumerism whose principal aim is to inform consumers on the prices and quality of the product.

3- Over the last ten years, market consumerism has evolved substantially - mainly through the influence of the ecological movement, the exigencies of protecting health rights, and worries about the quality of food which has also faced recently the question of its genetically engineered sources. Beyond action aimed at assuring quality control, consumers' associations are more directly concerned with the effective protection of their individual and collective interests, and participation in decisions affecting their choices as consumers.

The present situation may be summarised as follows:

a) the right to information as a fundamental consumer right is recognised as such by much European and non-European state legislation;

b) this right implies that consumers must have adequate information on the characteristics of the product which may influence consumer consent and choice;

c) it is now accepted that this notion includes not only the intrinsic (e.g. price, material composition, etc.) but also the extrinsic (e.g. impact on the environment, on health and on solidarity concerns) characteristics of the product;

d) the detailed information on the conditions of production must be considered among these "essential characteristics" which are able to determine the consent of the consumer.

The consequences of this situation are far reaching:

i) it is realistic to put pressure on legislators so that information on the conditions of production becomes mandatory;

ii) it is conceivable that consumers, as individuals or associations, could initiate a legal action against a firm which has adopted a code of conduct, expressed also with a social label, and is not ready to be fully accountable with respect to the conditions of production, on the basis of which its publicity is found to be misleading;

iii) it is possible to apply the notion of "good faith" (long a tradition in the regulation of commercial practices) to the respect of peremptory norms (Cour de Cassation belge, arrêt du 2 mai 1985, Pas, 1985, I, 1081) such as compliance with urban planning regulations;

iv) if such violation can be considered a practice against "good faith", *a fortiori* this interpretation is applicable to the violation of fundamental social rights, which in the international community represent an accepted minimum standard;

v) consumers' associations can use legal actions aiming at affirming the legally binding character of social standards in the area of consumption (see the lawsuit filed against Nike at San Francisco Superior Court for misrepresenting working conditions in Asian factories, thus violating California fair business laws).

While insufficient to provide an answer to the general challenges outlined above, the use of

legal action may undoubtedly represent an important integration of the strategy of consumers' movements and campaigns by increasing public awareness and by promoting further development of national and international jurisdictions.

III.4. The violations of international law in the framework of working conditions in the garment industry

Whatever the relative defects in the content and putting in place of rules of international law, violation of workers' rights and their situation in the factories and production units of transnational corporations and of their subcontractors should and must be judged under existing international law, such as that provided by conventions ratified by substantial number of states and by generally accepted international rules.

Conventional international law, notably the International Covenant on Economic, Social and Cultural Rights (Covenant UN, 1966) and the conventions and standards drawn up under the guidance of the ILO, particularly :

- No. 138 (1973) prohibiting work by children under 15
- Nos. 87 (1948) & 98 (1949) on the freedom for workers to organise and the right to collective bargaining, as well as No 135 (1971), on the guarantee of worker representation
- Nos. 26 (1928) and 131 (1970) on the setting of a minimum salary for all workers
- No. 47 (1935) on the limitation of the working week to 40 hours
- Nos. 52 (1936) and 132 (1972) on paid annual holidays
- No. 100 (1951) on the non discrimination in salaries between men and women and No 111 (1958) on the non discrimination in employment for reasons of gender,

should be accepted as such by all states which have ratified these instruments.

However, the working conditions imposed on employees by transnational corporations or their subcontractors are in violation of several articles of these conventions. The panorama of facts established by the Tribunal demonstrates effectively multiple violations of these conventions.

The Tribunal notes serious attacks to the right of children not to work under the age of 15 years, recognised by the UN Convention on the right of the child (1989) and in the ILO Convention 138 (1973).

The Tribunal notes the practice of discrimination against the women in violation of article 7.a,1 of the Covenant UN (1966) and the ILO Convention 100 (1951) and 111 (1958).

The Tribunal notes the violation of article 7 of the Covenant UN (1966) according to which the workers have the right to a *"fair and favourable working condition and especially a fair salary"*, and the violation of the right to minimum wage established by the States of the sub-contractors, according to the ILO Conventions 26 (1928) and 131 (1970).

The Tribunal notes that imposition of very long working hours and no paid holidays is a serious violation of the article 7 of the Covenant UN (1966), which provides the right to

"rest, leisure, reasonable limitation of working hours, regular paid holidays", and of the ILO Conventions 47 (1935), 52 (1936) and 132 (1972).

The Tribunal notes equally the violation of article 7 of the Covenant on Economic, Social and Cultural Rights on the right to a decent existence for workers and their families (article 7.a,2), to decent conditions of hygiene and safety (article 7.b).

The Tribunal notes also serious violations of the right of workers to strike and to organise in several factories or production units of transnational corporations and their subcontractors. This situation constitutes a characteristic violation of standards established by the ILO in the Conventions 87 (1948) and 98 (1949) and article 8 of the International Covenant on Economic, Social and Cultural Rights which *"recognise union rights and the right to strike."* While these rights are recognised in the framework of laws which regulate employers, such laws cannot in the spirit or letter of the covenant just cited permit the suppression of strikes or unions. This is however the case in a large number of workshops in the apparel industry.

Alongside these conventions should be noted the general rules and principles of international law.

First of all, it is worth emphasising that human rights, including those articulated by most international agreements have a universal dimension which cannot be ignored even by those states which have not ratified them. The universal dimension of human rights means that everybody has these rights and can insist on their recognition by states and the entities which depend on them. The recognition of the universal dimension of human rights places a responsibility for international solidarity to stop situations which seriously abuse fundamental rights such as those that the Tribunal has noted in the production units and workshops of transnational corporations or the subcontractors in the garment and sportswear industry.

The general rules are based on the notion of human dignity, the respect of which is today considered an essential principle "of law, justice and peace".

It is in this view that the UN charter obliges states to promote the universal and effective respect of rights and the liberty of all people.

As is now examined in several laws, the international dimension of human rights must lead to the incrimination of the perpetrators of violations of fundamental rights and serious abuses of human dignity not only in the territories where the abuses are committed but in the territories of all states.

As confirmed in the preamble to the two international covenants on 16 December 1966 "in compliance with the principals spelt out in the UN charter, the respect of the dignity inherent in all members of the human family and of their equal and inalienable rights constitutes the foundation of liberty, justice and peace in the world. In conformity with the Universal Declaration of Human Rights, the ideal of the human person free, enjoying civil and political liberties and freedom from fear and misery, can only be realised if the conditions are created to allow each person to enjoy these civil and political rights as well as economic, social and cultural rights."

IV.Verdict

The Tribunal

1- CONFIRMS the verdicts already issued in the *Berlin* (1988) and *Madrid* (1994) sessions on the World Bank and International Monetary Fund, the *ad hoc Padova-Venezia* session (1997) on international law; the *Bogotá* session (1991) on impunity from Crimes against Humanity, the *Bhopal* (1992) and *London* (1994) sessions on industry and environmental hazards, and the *Naples* (1995) session on the rights of the child, that human dignity and universal social justice are the underlying principles on which the rights of peoples are based.

2- RECOGNIZES the weakening of trade unions and nation states and the increasing concentration of power in the hands of transnational corporations as shaping the context for worker and consumer rights in the garment and sportswear industry with grave apprehension for the future of the rights of people, but at the same time assents the continuing obligation of states to protect those rights.

3- CONDEMNS widespread violations of the rights of workers in the garment and sportswear industry for freedom of association, collective bargaining, equal pay for equal work, a living wage, treatment with dignity, and a healthy and safe workplace as set-forth in the ILO conventions, Universal Declaration of Human Rights, the Universal Declaration of the Rights of Peoples and other international agreements.

4- CONDEMNS the exploitation, workplace discrimination and lack of effective measures to prevent sexual harassment of women who constitute 80 per cent of the apparel industry workforce.

5- CONDEMNS the use of child labour which is forbidden in the international agreements already noted; as well as the Convention on the Rights of the Child and which continue in the garment and sportswear industry despite denials by leading manufacturers and distributors.

6- CONDEMNS as well the use of forced labour which is prohibited under ILO Convention n. 29 and other international measures but which persists in the apparel industry according to evidence presented to the Tribunal.

7- CONDEMNS the use of Codes of Conduct by leading apparel companies to cover up actual working conditions in the industry and mislead consumers and to undermine national laws and regulation that are more stringent than industry-formulated codes.

8- CONDEMNS the widespread use of contractors and subcontractors by these same companies to evade responsibility for the conditions under which goods they market are made and to exacerbate job insecurity among apparel company workers.

9- DEMANDS that consumers of garments and sportswear be fully and accurately informed about the conditions under which goods they purchase are made.

10- ENCOURAGES consumers and human rights movements to seek legal sanctions against and use other form of pressure on apparel companies to make them stop abusing the workers who produce the goods they market.

11- COMMENDS efforts to formulate and implement codes of conduct in the apparel industry with meaningful and just standards for treatment of workers and to establish effective monitoring and enforcement mechanisms which workers can trust and which provide prompt and fair redress when codes of conduct are violated.

V. Perspectives for the future

V.1. A general view

The Permanent Peoples' Tribunal, having examined the request concerning practices in the garment industry, considers itself competent to consider the case which has been submitted to it. In effect, it was called upon to pronounce on a subject arising from international relationships and on a matter concerning human rights and the rights of people.

But the position taken by the Tribunal is not in isolation. On the contrary, it is part of the vast movement implicating at the same time the struggle of many workers in several Southern continents and the permanent mobilisation of social forces in Europe, North America, Australia and Japan as well as initiatives taken in the South. The encounter and confrontation with major companies is characteristic of this process, which involves workers' unions, NGOs, groups fighting for women's rights and groups defending consumers' rights. The dynamic of the action which has been taken and the hope represented by an initiative such as the Clean Clothes Campaign prove that it is possible to bring about change.

The entire movement possesses a critical social role which it must pursue. Even though the dominant ideology presents our epoch as have reached an ideal phase, defined by the combination of a representative democracy and a market economy, the Tribunal emphasises the importance of taking a discriminating position and the desire for social changes, against any type of fatalism on one hand and of uncritical conformism on the other.

How is it possible to be uncritical when one hears, as we have during these two days, the voice of suffering of hundreds of thousands of workers and the feeling of exclusion of so many people around the world who are enduring the consequences of subcontracting in the garment industry? In the face of these realities, we cannot tolerate the impunity of corporations involved with persistent violations of human rights and rights of workers. It is this which provides an indispensable character to ethical protests, forms of solidarity, drawing up of codes of conduct and the use of new legal tools.

The Tribunal is particularly sensitive to the latter area. It sees the necessity to pursue efforts to obtain the largest possible collective consensus, a real basis of new international law which can only come from continuous development. The power of public opinion is obviously a decisive factor in driving such action.

However, all these initiatives should not be content only with a simple moralisation of the system of exploitation that capitalism signifies. In effect, criticism and the elimination of the most flagrant abuse then contributes to the creation of better conditions for long-term reproduction. It is thus necessary to add to immediate action, concrete negotiations and participation in various campaigns, a deeper reflection on the causes of the phenomena and long-term action to transform the economic system itself.

In the tissue of solidarity, it is therefore necessary to overcome particularities and to adopt new cultural frameworks. On the basis of a global macro ethic, of which one of the pillars is the body of principles and standards of human, workers and people's rights, the joint struggles

of North, South and East will succeed in changing society.

V.2.Concrete proposals

For future concrete actions the Tribunal proposes :

1) The elaboration of codes of conduct, unique to every branch of industry, elaborated with representatives of the workers and monitored by independent bodies including a participation of worker's organisations and of the respective states. The code of conduct prepared by the CCC constitutes one basis for such initiatives and could lead to new international legislation. It could help also provide the basis for cases to be presented to existing international jurisdictions, such as the United Nations Human Rights Commission, or regional human rights bodies.
2) The collaboration of the CCC, trade unions, consumers' groups, women's and human rights organisations and popularly oriented NGOs to strengthen their power in addressing the economic and social behaviour of transnational companies. Web sites to monitor TNCs and networks of information, study and action, such as the World Forum of Alternatives and The Other Economic Summit (TOES), should be encouraged and linked more effectively.
3) The reinforcement of public institutions (states and international organisations) as regulators of economic practices and as the source of effective labour legislation. Strengthened legal regimes should allow states to prevent or stop harmful behaviour of their citizens and corporate entities inside their territories and all over the world. This would also be a contribution to the development of democratic values
4) Continuation of the process of critical scrutiny of the role of transnational corporations in the international political economy at the next session of the Tribunal on global corporations and human rights in Warwick (UK) at the end of 1998. This session of the Tribunal will seek to spell out effective procedures to ensure accountability of networks of capital and technology; examine claims of responsive corporate governance; propose reformulation of principles of international law to apply human rights standards to global corporations; and devise a human right to law for the people for effective prevention of injury and suffering and for speedy redress.
5) The globalisation of resistance to and the search for alternatives, in order to accelerate the pressures for change and go beyond immediate objectives and to work for long-term transformations in the collective organisation of political and economic processes, in social relations and in cultural expressions.