

## **PRESS BRIEFING - Friends of the Earth International**

### **Briefing: Friends of the Earth International calls for the end of impunity of transnational corporations and financiers for their Human Rights violations**

GENEVA (SWITZERLAND) March 11<sup>th</sup> 2016 – Activists from [Friends of the Earth International](#), along with human rights defenders and other international organizations of the [Global campaign to Dismantle Corporate Power](#) are in Geneva from March 8<sup>th</sup> to 15<sup>th</sup>, during the 31<sup>st</sup> Session of the UN Human Rights Council (UNHRC). They will ensure the voice of indigenous leader Berta Cáceres, who was murdered at her home in Honduras on March 3<sup>rd</sup>[1], is heard by UN member states, who are urged to support the process towards a binding treaty on transnational corporations and other businesses with respect to Human Rights, to put an end to corporate and financier impunity for crimes against peoples and the environment.

Friends of the Earth International welcomes the report on the first session of the open-ended Intergovernmental Working Group (IGWG) on transnational corporations and other business enterprises with respect to Human Rights, held in July 2015, that will be presented by its Chair, Ambassador Maria Fernanda Espinoza from Ecuador, in Geneva on March 11<sup>th</sup> during the 31<sup>st</sup> session of the UNHRC[2].

Berta Cáceres, indigenous leader of the Civic Council of Popular and Indigenous Organizations of Honduras (COPINH), winner of the prestigious Goldman prize for environmental defenders, was murdered while she was resting in her home in La Esperanza, Intibucá. She dedicated her life as a social activist to the defense of peasants' and indigenous peoples' rights and of the sacred Lenca territory, notably against the Agua Zarca Hydropower Project, run by national company Desarrollo Energético Sociedad Anónima (DESA), with the involvement of Voith-Siemens and financial support by the Netherlands Development Finance Company (FMO), the Finnish Fund for Industrial Cooperation (Finnfund), and the Central American Bank for Economic Integration (CABEI) [3].

According to Alberto Villarreal, Uruguayan trade campaigner at Friends of the Earth Latin America and Caribbean (ATALC), “Although not all companies necessarily violate human rights, there is indeed a systemic pattern of systematic abuses by transnational corporations. Even where governments fail in their duty to protect human rights – as Honduras has blatantly done in the case of Berta’s Cáceres assassination and Gustavo's Castro Soto unjustified lengthy retention – corporations and their directors must be obliged under international law to respect human rights, and international enforcement mechanisms need to be established to that effect. A Honduran government that is the heir of a coup d'etat in 2009 against the democratically elected government cannot be trusted to investigate nor judge those responsible for this crime, for which it is accused of being directly responsible, complicit or concealing. Berta's family and her organization COPINH must have access to justice in the home countries of the financiers and transnational corporations complicit in the Agua Zarca project she they resist. But that often proves very difficult, so the international binding instrument that is now being negotiated needs to include an international court on transnational corporations and other businesses and human rights, where affected people can access justice for human rights violations and crimes.”

For Friends of the Earth International, the IGWG process must clearly establish that transnational corporations and other business entities have an obligation to respect human rights and to redress those affected by their abuses. Even where governments fail in their duty to protect human rights – as Honduras blatantly has in the case of Berta’s

assassination -- corporations and their directors must be obliged under international law to respect human rights. International enforcement mechanisms need to be established to that effect.

To Anne van Schaik, accountable finance campaigner at Friends of the Earth Europe: “The European financiers in the Agua Zarca project remain determined to support the project, despite numerous calls by local communities, NGOs and international organisations to pull out of the project. FMO and Finnfund claim that they adhere to strict sustainability criteria, which is yet another example of how voluntary measures by financiers are simply insufficient to stop the murder of human rights defenders like Berta Caceres. We therefore call on all European companies involved to immediately withdraw from the project and for EU members states to ensure that there are binding rules for financiers adopted in Europe.”

“We call on the Dutch Presidency, the Member States and the European Commission to support the UN Process for a binding treaty on transnational corporations and other businesses and human rights. This Treaty should ensure that crimes like Berta's murder do not go unpunished, victims will have access to justice, and corporations, including financiers, will be brought to justice. European policies should avoid double standards: we see no constructive engagement of EU members in the IGWG process. Instead they are pushing weak voluntary human rights approaches for people, while promoting extraordinary rights for investors, such as those included in the Transatlantic Trade and Investment Partnership (TTIP)”, she added.

Lucia Ortiz, Friends of the Earth International Economic Justice Program coordinator said, “We had tragic and painful news last week, not only from COPINH, but also from our friend Gustavo Castro from Otros Mundos/Friends of the Earth Mexico, who is still at risk. He has been detained and may have to remain in Honduras for more than 30 days. Gustavo was with Berta when she was assassinated. He was wounded in the attack and has already provided a statement to the Honduran police. This situation demands further international condemnation of corporate crimes and an even more urgent call to close the huge accountability gap, through which transnational enterprises are reaping huge profits while stepping over human rights and environmental defenders' lives.”

“This impunity must stop. The world cannot remain blind to the assassination of people who defend their territories from corporations' greed. UN member states must take further steps to create an international court for victims, to bring corporates to justice”, she concluded.

Friends of the Earth International demands UNHRC member states engage in the IGWG work to ensure a legally binding regime to bring corporations and their financiers to justice for human rights violations, as well as remedies and justice for affected people, and support outcomes of the IGWG report in this regard.

The federation firmly supports COPINH's demands for an independent investigation to name those directly and indirectly responsible for or complicit in Berta's murder, followed by a formal commitment by the Honduran government with the Inter American Commission on Human Rights (CIDH) to send independent experts to conduct a clean, impartial and transparent investigation, and to suspend all projects that have been denounced by COPINH and their supporters, including the Agua Zarca hydropower plant on Rio Blanco and the Blue Energy project on Rio Cangel, and to put an end to the persecution and criminalization of the Lenca Indigenous People and Human Rights defenders. Our member

groups in 73 countries call on the governments of Honduras and Mexico to ensure the integrity, freedom and respect of the Human Rights of Mexican activist Gustavo Castro de Soto, including safe passage for him to immediately leave Honduras. [4]

We demand the corporations and financiers of the Agua Zarca project and their home states immediately withdraw from the project, and on the governments of the Netherlands, Finland and Germany to take all measures to ensure that the investigation of the case is impartial and effective, and to ensure that their public banks, cooperation funds or private corporations based in their territory end their involvement in the Agua Zarca hydro dam project.

We call on these governments, the EU as well as all UN member states to support the process of building a UN Treaty on binding rules for businesses with respect to Human Rights and to guarantee that there will be no undue influence of transnational corporations and their interests in this process, in order to bring an end to corporate impunity.

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On Friday, March 11<sup>th</sup>, in Geneva from 12.00 to 14.00: FoEI will be present at the UNHRC Plenary to comment on the Report on the first session of the open-ended Intergovernmental Working Group on transnational corporations and other business enterprises with respect to Human Rights, with the mandate of elaborating an international legally binding instrument

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NOTES TO EDITORS

[1] See: <http://www.foei.org/features/high-profile-honduran-activist-bertha-caceres-murdered>

[2] See: Report on the first session of the Open-Ended Intergovernmental Working Group on transnational corporations and other business enterprises with respect to human rights, with the mandate of elaborating an international legally binding instrument, at: <http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session31/Pages/ListReports.aspx>

[3] The Chinese dam builder Sinohydro, which had received a contract to build the Agua Zarca dam, pulled out of the project after Berta's comrade Tomás Garcia was killed in July 2013, recognizing serious conflicts of interest between the Employer of the Project, i.e. DESA, and the local communities. CABEI, FMO, Finnfund and Voith-Siemens remained involved in the project in spite of the mounting repression.

For more information see: Who Killed Berta Cáceres? By Peter Bosshard, Huffington Post, March 3, 2016 at:

[www.huffingtonpost.com/peter-bosshard/who-killed-bertha-caceres\\_b\\_9387964.html](http://www.huffingtonpost.com/peter-bosshard/who-killed-bertha-caceres_b_9387964.html)

[4] See: <http://www.foei.org/features/concerns-safety-witness-bertha-caceress-murder> and

<http://www.otrosmundoschiapas.org/index.php/component/content/article/36-otros-temas/36-derechos/2261-urgent-we-reject-order-that-gustavo-castro-stay-30-days-longer-in-honduras>