

SPORKSMAN PAMPHLET NO. 51 PRICE 40¢

THE VERDICT OF
THE RUSSELL
TRIBUNAL
SESSION IN
BRUSSELS



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Published by The Bertrand Russell Peace Foundation Ltd., for *The Spokesman*.
Bertrand Russell House, Gamble Street, Nottingham NG7 4ET.
Printed by The Russell Press Ltd., Gamble Street, Nottingham. Tel. (0602) 74505

Introduction

The Second Russell Tribunal, concerned with repression in Latin America, was established on the initiative of Lelio Basso and Vladimir Dedijer with the support of the Bertrand Russell Peace Foundation, all of whom had participated in the previous convocation of the first Russell Tribunal on War Crimes in Vietnam, which held sessions in Stockholm and Copenhagen during the years 1967.¹

The Foundation, following the same procedure as that carried out by Bertrand Russell prior to the establishment of the Vietnam Tribunal in London during the last months of 1966, nominated a nucleus of members who, upon meeting, became a completely autonomous body, co-opting whoever they thought competent to assist the work in hand.

The first session of the Latin America Tribunal took place in Spring 1974, in Rome.² It concerned itself with the documentation of violations of human rights, and sat for a week during which it received extensive press and media coverage from all major European countries, with the glaring exception of Great Britain.

The second session was convened in Brussels at the beginning of 1975. This brochure contains the general verdict which it reached after hearing a large number of witnesses and studying a comprehensive documentation.

A third session will be held during the coming months. Offers of help should be addressed directly to the Tribunal's Permanent Secretariat in Rome, at Via della Dogana Vecchia 5, 00185 Rome, Italy.

Ken Coates
September 1975

1. For an account of these proceedings, see *Prevent the Crime of Silence*, Allen Lane, The Penguin Press, 1970.
2. See *Repression in Latin America*, Spokesman Books, 1975.

FOUND GUILTY

*The Verdict of
The Second Russell Tribunal,
on
Repression in Brazil,
Chile and Latin America*

PART I The Three Levels at which the Tribunal Operated

The work of this Second Session of the Second Russell Tribunal, on repression in Brazil, Chile and Latin America, continues that of the First Tribunal.

The Tribunal does not repeat in this second verdict what is already contained in the verdict of April 6th 1974, or in the general report, whose stand-point it adopts.

Some explanation of the three levels at which the Tribunal operated is necessary for an understanding of its decisions.

1. *The facts*

The first level is that of the facts. Very abundant documentary evidence, both oral and written, has come into the archives of the Tribunal. The facts themselves can be grouped as follows:

- 1) Testimony on individual acts of repression, arbitrary arrest, violence and torture.
- 2) Legal documentary evidence — containing the chief methods by edicts or regulations, by which the condemned governments have destroyed the rule of law. This documentation is chiefly concerned with labour relations, trade union rights, and habeas corpus.
- 3) Numerous reports on economic matters: the type and amount of investments; the profits made by foreign companies or by sections of multinationals; descriptions of the means used to obtain ex-

emptions from the tax laws of Latin American states; a summary of the assistance, subsidies, incentives, tax exemptions granted by the present governments of these states to foreign capital; the lowering of workers' real wages by a combination of inflation of inflation and wage controls, leaving the price of goods and services to be fixed by the market.

- 4) Evidence and reports of regular interference by both private companies and official agencies of foreign states, into the political and social life of Latin American countries, such as for example the subsidising of political strikes and the financing of certain parties at election times.
- 5) Case histories of financial aid and decisions, by both foreign lenders and by International Agencies (I.B.R.D. and I.M.F.) being made contingent on the political orientation of the governments in power in Latin America.
- 6) Reports on the relations between Latin American governments and foreign enterprises which have been nationalised. Sometimes these enterprises use their technical control to obstruct normal activity; sometimes they intervene in internal politics to overturn the government responsible for having nationalised them; while the new government they have helped to instal either de-nationalises them or awards them substantial compensation.

The facts cited above obviously serve only as examples.

2. *Interpretation of the facts*

Because the Tribunal has been able to declare a very considerable number of facts as established, (a brief summary, classified by country, will be found in Part Four of the Findings) it is essential to concentrate on the *significant* facts and place them within a framework of interpretation.

The Tribunal has used two forms of interpretation. The first is already to be found in the verdict pronounced in Rome on April 6th 1974. It consists in outlining the systematic way in which human rights are violated, and in discerning therein government involvement. On this point we should refer back to the work of the first session because this second session has completed the earlier analyses of Brazil, Chile, Uruguay and Bolivia (the first four countries to be studied) and has extended the analysis to other countries.

The second form of interpretation is economic, and is to a high degree explicative of the first. It attempts to answer some of the questions

put at the opening of the second session: "Why is it that whole peoples are deprived of elementary rights? Why is every expression of popular will brutally suppressed? Why are the only individual rights to be respected the property rights of the classes traditionally holding power? Why is it that government policy tends towards blind economic development, destructive of the human and cultural values of the very poor? And why is it that these same governments grant exorbitant privileges to foreign companies and their managers?"

The Russell Tribunal's response to these questions is as follows: the Latin American countries where these systematic violations of human rights are committed are within a system of *economic domination*.

The two forms of interpretations, moreover, run closely parallel; and domination is common to them both. There is a repressive domination of workers inside each country; and that there is a corresponding domination over the national economies from one or more economic decision-making centres, is an indispensable element in the global system. The condemnation of this collaboration is not easy under the present rules of international law.

3. *Criteria*

To arrive at a verdict facts must be evaluated according to certain criteria. The most important problem for the Tribunal is to determine how far the established facts constitute a violation of law, and, especially, of international law.

In the preamble to the judgement of April 6th 1974, the Tribunal explained the terms of its investiture. However it is not enough simply to note the lacunae in international law at the level of jurisdiction and procedures, and to affirm that the Russell Tribunal draws its authority from the people, it is also important to determine whether the facts which have been established can be unambiguously condemned under prevailing international law.

Apart from breaches of law which are obvious, as is clearly the case for violations of human rights, it has to be observed that there are contradictions at the very heart of international law. The importance of these questions merits our decision to devote to them the third part of our findings.

Furthermore, it is important to observe that, underlying the selection among methods of explanation, there is a political or ethical standpoint. Unlike the facts themselves, the economic model which the Tribunal has used to characterise the development underway today in Latin American countries, can be argued.

It should be made clear however that alternative models which might replace it — for example, the official view of international aid in the development of these countries — also presuppose, no less than the conceptions of exploitation and domination held by the Tribunal, a political design, which in the name of the principles which inspire it, the Tribunal must condemn.

It was the gravity and persistence of the facts reported to the Tribunal, the danger for the future of humanity if they were to become more widespread, which made the Russell Tribunal decide to examine them. This led the Tribunal to examine the effectiveness of its activity. The acts it condemns are carried out in the exercise of power. Such power is not only that of governments, but above all that of private agencies. The rule of law in its widest possible sense, which includes the basic ethical standards, must be brought to prevail over these powers.

The fact remains however, that the power to pass judgement is one of the most formidable powers that exists. But the members of the Russell Tribunal decided that silence would make them accomplices, should they, out of excessive juridical scruples, hesitate to investigate. To declare that one must not get involved in politics is to give support to those in power, and thereby to collaborate in their policies. To refrain from passing judgement on injustices, when whole peoples are the victims, and when one is sufficiently apprised of the facts, is, by that very silence, to stand on the side of hangmen and torturers.

There is no officially established international tribunal to hear the case of these oppressed peoples. The judges in their own countries, in Brazil and in Chile for example, have collaborated in destroying the rule of law — step by step in Brazil, brutally in Chile. The Russell Tribunal exists not only to fill a gap in the international juridical system, it must redress the injustices committed by those whose first duty should have been to refuse to minister to an authority which is all the more brutal because it is aware of the precarious nature of its power, in order to uphold the law.

PART II

The Economic Causes of Repression

Introduction

The Second Russell Tribunal, at its first session held in Rome from March 30th to April 6th 1974, studied the phenomena of repression and violations of the rights of man, and condemned "the de facto authorities holding or having held power in Brazil, Chile, Uruguay and Bolivia."

It was clear from the evidence and reports presented in Rome that repression did not stem from mad or sadistic governments or their agents, but formed part of a consistent and effective system of domination and exploitation.

In October 1973, a few weeks after the fascist coup in Chile, a French daily paper had a headline – it is to be hoped the macabre humour was unconscious – "Chilean Junta adopts rigorous economic measures – Nine Shot."

This is a very blunt way of linking the economic problems and the violence which were under examination throughout the second session of the Tribunal in Brussels from 11th to 17th January 1975.

All the evidence and all the reports heard by the Tribunal throughout that week combined to reveal this link. It might have seemed difficult, indeed wellnigh impossible, to synthesise the facts, their economic interpretation and a political judgement, on countries so different in size, in political structure and in their problems. But this was not so: the logic of the system of exploitation, both at the national and international levels, is such that all these data fitted a logical schema for all the countries that were studied. And so one finds similarities in events as well as in behaviour in the various sectors.

This part of the judgement attempts to throw light on these similarities. It explains, of necessity very schematically, first the mechanisms of international exploitation, and then the economic and political evolution in Latin America.

1. The mechanism of international exploitation

In order to clarify the reality of the imperialism which is at work in

Latin America, and the savage capitalism which underlies it, a quick resume of the changes which the system of international exploitation has undergone is appropriate.

During the last century, the western countries achieved industrialisation through capital accumulation made possible by low wages and a high rate of exploitation of the working class. The creation of colonial empires not only provided at low cost the raw materials needed for production but opened up new markets for the goods produced. However, organised action on the part of the workers, coupled with the constant need to expand production and markets, brought about, in the industrialised countries, some improvement in social conditions along with a certain progress in formal democracy. As the former world powers became weakened by inter-imperialist wars and the rise of national liberation movements, the classic colonial system disintegrated. But the structures of domination remain.

The direct pillage of natural resources has intensified under new and more oppressive forms of domination, since the imperialist system is now world-wide, with the means of imposing its will in every sphere: in the economies, political systems, and scales of values.

As to the labour force, the western countries transfer their most brutal exploitation to the underdeveloped countries in two ways: firstly, by simply importing workers from these countries; secondly, through their investments in these countries.

As to raw materials, capitalist companies have simply become the owners; most importantly, they control production and marketing. The process of industrialisation on a world scale has accelerated during the last two decades. But the western countries decide what is to be produced in the underdeveloped countries, and how much. Industrial development in the underdeveloped countries is subordinated to the interests of the metropolitan countries. The underdeveloped countries are thus deprived not only of control of their own raw materials, but also of any possibility of taking independent decisions on planning their own development. Thus international capitalism must, in order to be able to plunder raw materials, exploit workers, and impose a form of development which serves its own interests, perpetrate intensified social injustice in the underdeveloped countries. This it can only do by suppressing trade unions, curtailing individual liberties, and unleashing political violence.

All the elements in the system are linked:

- raw materials and labour
- capital accumulation

- internationalisation of the system
- repression

Three main mechanisms contribute to this system of exploitation:

- a) multinational firms
- b) international trade and raw materials
- c) financial assistance to the poor countries

a) *Multinational firms*

The period following the second world war is characterised by an increasing internationalisation of the capitalist economies, accompanied by the predominance of American capital over European. In consequence of this the disparity between the national character of state structure and the international character of capital in Europe becomes more and more pronounced, and the state structures become more and more dependent on international economic phenomena.

The greater mobility of multinational firms, as compared with those of national states, allows them certain advantages: establishing themselves in countries where wages are low and the trade unions weak, the systematic use of "tax havens", avoidance of taxes by manipulating prices and profits between different branches, access to international financing, etc.

These evident advantages have led to the creation of enormous private international powers: of the hundred largest economic entities in the world half are states and half are multinational firms (e.g. the sales figures of General Motors, Exxon or Ford are in the same order of magnitude as the Gross National Product of Belgium, Switzerland or Austria. ITT's turnover is eight times Chile's GNP.

Many of these groups have their headquarters and most of their activity in the USA; in 1971 the world figure of direct investments abroad was 165 milliard dollars, of which half (86 milliiards) came from the USA.¹

Thus there does not exist a single international American power (the American State) but rather a conglomeration of private and public powers. That is what made Secretary of State Rogers say: "... the Nixon administration was a 'business administration' in favour of business and its mission was to protect business."²

1. The expansion of the American multinationals has profoundly changed the market conditions of the American economy itself, so that almost 30% of profits by American companies come from investments outside the USA.
2. Hearings of the American Senat on the activities of the ITT in Chile in 1970 and 1971 p.979.

b) *International trade and raw materials*

Several Latin American countries are amongst the chief world suppliers of raw materials essential to important sectors of industry. Why is it that countries possessing these important resources have failed to develop, given the importance such resources played in the early stages of the countries now developed?

There are two main reasons:

- For most raw materials it is an industrialised country that is the biggest producer (e.g. the USA is the main producer of petrol and copper, and the second for coal and iron);
- The historical reasons that gave rise to development in the northern hemisphere have also made it the chief consumer of raw materials.

Moreover, even in the underdeveloped countries raw materials have been controlled by the great multinational companies; both the supply and demand in raw material markets are dominated by the developed countries.

As to manufactured goods, the underdeveloped countries do not produce and are unimportant buyers: trade in these goods takes place, for the most part, between developed countries.³

Thus the underdeveloped countries control neither the price nor the conditions of trade of either the raw materials they export or the manufactured goods they import.

c) *Loans to the underdeveloped countries*

The plunder of the natural resources and the domination of international trade by the developed countries forces the underdeveloped countries to cover the difference between income from exports and the cost of imports by international loans.

Only a fraction of these loans contribute to the growth of these underdeveloped countries. In fact, leaving aside food aid and other emergency assistance, designed to ensure the survival of the population, these loans serve to finance a greater or lesser part of imports, and to meet repayment charges on foreign debts contracted to meet these needs.

The next table on page 11 gives some idea of the amount and breakdown of these loans.

The direction of bilateral public aid is determined by the donor

3. According to UNIDO the production of manufactured goods in the underdeveloped countries is 6% of world production. (The objective is 25% for the year 2000.)

Financial assistance from the viewpoint of the donors
(1 = a thousand million dollars, 1972)

A. Public Development Aid (APD)		8.65	44%
	–bilateral (78% of A)	6.75	
	* grants 4.36 (75%)		
	* loans 3.39 (35%)		
	– multilateral agencies ¹	1.90	
	(22% of A)		
B. Other Public Loans		1.58	8%
	* export credits (46% of B)	0.72	
C. Private Sector Financing		8.43	43%
	* Direct investments (51% of C)	4.30	
	* portfolio investments (32% of C)		
	2.70		
	* export credit guarantees (17% of C)	1.43	
D. Private Benevolent Institutions		1.03	5%
E. Total		19.69	100%

Sources: OCDE, CAD statistiques générales

1. The World Bank Group (IBRD, IDA, IFC) Interamerican Development Bank, European Development Fund, Asian Development Bank, African Development Fund, European Investment Bank, United Nations Agencies (UNDP, FAO, UNICEF, WHO, etc.).

country, and depends much more on political considerations than on any disinterested wish to promote "world welfare".

Thus American aid has traditionally been directed towards countries occupying a strategic position in the confrontation with communist countries. (India, South Vietnam, Indonesia, etc.)

Aid to other underdeveloped countries, on the other hand, reflects the wish to maintain or obtain a commercial hold on the countries to which aid is directed. This is why the former colonial powers channel their funds chiefly to the countries that they once dominated politically, since they still maintain important interests there.

Multilateral public aid, although both relatively and absolutely small, has a considerable psychological effect. A loan from the World Bank,

granted to such and such a country, constitutes to some extent a guarantee or at least a recognition of the seriousness of the country: this loan will bring in its train other financial support. The decisions of the IBRD are taken on a majority vote (voting shares in 1973: United States of America - 23%, United Kingdom 9.3%, Federal Republic of Germany - 4.9%, France - 4.6%, Japan - 3.7%, Brazil - 1.4%, Chile - 1.4%...)

Thus World Bank aid is directly conditioned by the policies and interests of the industrialised countries, and more particularly by those of the United States, which in practice, has a right of veto on any decision. The same applies to the International Monetary Fund. Debt presents very grave problems for the underdeveloped countries. The world total for this indebtedness is in the order of 10 milliard \$s. The exports proportion of receipts which is absorbed by these repayments is steadily rising: 12% in 1967, 14.2% in 1971 (17.3% in Latin America), 15.4% in 1973, and an estimated 16.9% in 1975. (Source IBRD.)

Hence the mechanism of international financing tie the underdeveloped countries more and more to decisions taken by the developed countries, not only through new loans incurred, but also through the negotiation and consolidation of debts previously contracted.

2. Economic and political evolution in Latin America

These international mechanisms are at their most effective in Latin America; the "privileged" bonds with the United States, the massive presence of North American multinationals and the political conditioning present a model of political-economic development specific to Latin America.

A more exhaustive analysis would certainly bring to light special characteristics of the process for each country, but it is useful to focus on the similarities which go beyond simple coincidences and which make manifest the logic of the system of domination.

a) *The exploitation "model"*

Economic power is in the hands of international and internal groups. The international groups control both the production and the trade in raw materials (e.g. in Bolivia the multinationals control 70% of the tungsten, 100% of the antimony, 65% of the copper, 40% of the silver, 60% of the wolfram) as well as the production of manufactured goods, chiefly destined for export (e.g. in Brazil, the part played by foreign enterprise in the ten most important sectors in 1972 was: pharmaceuticals 100%, automobiles 93%, food, textiles, electricity, electronics 75%.

The internal groups control agriculture and that part of industrial production intended for the home market. There are naturally numerous exceptions to this outline: e.g. in Brazil an important part in the production of raw materials and primary industrial processes (steel and non-ferrous metals) are in state hands, but the fact that their prices are maintained at an artificially low level represents in practice hidden subsidies for multinational firms engaged in the production of durables.

Moreover, the activity of the multinationals is not limited strictly to industry; they both own and manage important agricultural operations (e.g. Brook Bonds, Liebig's and International Product Corporation in Paraguay, United Brands in Honduras, Panama, Guatemala, Costa Rica and Colombia; Gulf and Western in the Dominican Republic).

But despite these exceptions, the above outline is largely valid: the countries of Latin America serve the industrialised countries, and especially the United States, as suppliers of raw materials and cheap labour.

For the raw materials, as already explained, the prices and conditions of trade are fixed by the industrialised countries themselves. Low wages mean limited domestic markets.

So Latin America is a continent where the goods produced are destined for a very small privileged class on the home market, but mainly for the important markets of the industrialised countries. Even for the "Brazilian Miracle" the social cost of this model is very high. The following table shows that 1% of the population received 12% of the income in 1960 and 18% in 1970; whilst to 80% went only 46% in 1960 and in 1970 only 37%.

Brazil - Deterioration in the distribution of income
(Rounded figures)

Population %	Income %	
	1960	1970
1%	12%	18%
4%	16%	19%
15%	26%	26%
80%	46%	37%
100%	100%	100%

In Brazil, in order to buy the minimum monthly food needs of an average family (6 kilos of meat, 7 litres of milk, etc. etc.) a worker had to put in 87 hours in 1965. In 1974, the same food basket cost the equiva-

lent of 177 hours, i.e. 44 hours a week for minimum food needs only. Thus the Latin American "model" has two chief characteristics:

Concentration of income in Brazil, 1960 and 1970

Percentage of population	Percentage of income	
	1960	1970
1%	12%	18%
<u>4%</u>	<u>16%</u>	<u>19%</u>
5%		28%
15%	26%	26%
<u>80%</u>	<u>46%</u>	<u>37%</u>
95%		72%
100%	100%	<u>63%</u>
		100%

- on the one hand every possible measure is taken to keep wages low.
- on the other hand, a strict free market provides the best possible conditions for the multinationals to make their profits.¹

b) Nationalist and Progressive Attempts

In certain countries the above situation has prevailed for decades (e.g. Paraguay). In others, progressive forces have succeeded in taking power for varying periods and have attempted to break the "model" imposed by the industrialised countries. Though each of the attempts had its own characteristics, all have significant points in common. The progressive governments try to regain control over their raw materials. For example, Vargas made petrol a state monopoly in 1952 in Brazil (Petrobras), Allende created an "Area of Social Property" in Chile and Torres in 1960 nationalised the "Matilda" zinc mines in Bolivia.

A further attempt is to be seen in the "laws against excessive profits", designed either to tax the super profits of the multinationals, or to re-

1. Data on the profits of multinationals are very incomplete because of the many ways in which profits can be hidden. Thus according to one study on Colombia, the average annual net profit during 1966-70 of 53 foreign firms was 8.4%. This rose to 13.4% if royalties were added, and to 52% if account was taken of overbilling on imports.

Source: D. Chadnovski: *Foreign Manufacture Firms Behaviour in Colombia: a study of the influence of technology, advertising and financing upon profitability (1966-70)*, Oxford University 1973.

duce or cancel compensation for nationalisation. Vargas presented such a law for Brazil in 1952, Goulart passed one in 1964, and Allende passed one for Chile in 1971. In both countries the new laws were soon followed by military coups. (Brazil 1964, Chile 1973.)

But these measures (nationalisation and the laws on excess profits) are but one sign of the attempt to reduce the foreign grip on the national economy; they form part of the campaign to overthrow the "model", examined above.

Progressive governments seek to improve workers' conditions by raising wages; this brings about expansion in the domestic market, and this in turn opens up better perspectives for domestic industry, oriented towards meeting home needs and accorded a measure of protection against imports.

At the political level, this corresponds to a provisional alliance between the workers and the national industrial bourgeoisie. "Agrarian reform" with distribution of land to the peasants, completes this progressive alternative model.

c) *Reaction from the right – national and international*

Right-wing forces, both national and international, respond violently to any reduction of their privileges. The true nature of reaction is to be seen in this type of response. International financial support is drastically cut back: in 1964, the American government refused to discuss renegotiating the Brazilian foreign debt; in 1971 Eximbank refused a loan of \$21 million to Lan Chile (Chilean Air Co.) for the purchase of three aeroplanes. World loans to Chile dropped from \$230 millions in 1969 to 64 millions in 1972.

But the United States still continued to finance the army, and through AID (Agency for International Development) finances certain "training" programmes, in particular exchange visits under AIFLD (American Institute for Free Labour Development) with the aim of "promoting free and democratic unions, of preventing communist infiltration, and of liquidating it where it already exists."

These anti-progressive campaigns are carefully prepared and financed. In Brazil, in 1964, certain companies combined to finance IPES (Institute for Economic and Social Research), whose aim was to harrass the trade unions, student organisations, political groups and the press. The same groups finance IBAD (Brazilian Institute for Democratic Action).

The American secret services have admitted supporting anti-Allende demonstrations using the subsidiaries of American firms in Brazil. Mr

Colby (director of the CIA) has admitted that the CIA infiltrated almost all Chilean political parties.

There has been, since the beginning of 1971, an ad hoc committee in Washington headed by Merriman of ITT, with ITT, Bank of America, Kennecott, Grace, Pfizer and Ralston Purina as members. The purpose of this committee is to bring pressure on the American government to take a "hard line" on Chile.

When these interventions occur, the national bourgeoisie lines up with the conservative forces. Their alliance with the workers proves superficial and fragile. It is the first link to break in the progressive programme, often even before the army has taken a stand.

As for coups d'état, over and above direct American intervention, already well known from the role of Gen. Vernon Walters, military attache to the American embassy in Brazil, at the time of the coup d'état in 1964; and from subsequent intervention in the Dominican Republic in 1965; it is interesting to note the part played by Brazil.

In 1965, several thousand Brazilian soldiers intervened alongside North American marines in the Dominican Republic; all were under the command of the Brazilian general Meira Mates. In 1971 Brazil sent arms to General Banzer who overturned the progressive regime of President Torres. In 1971 and 1972 the Military College in Rio drew up the "thirty hours operation", envisaging the occupation of Uruguay should the Frente Ample (the Uruguayan version of Chilean Popular Unity) win the election. In 1973 Brazil formalised the "Alpha Plan" for intervention in Chile and for collaborating with Pinochet's uprising.

These examples suggest that fascist coups in Latin America spring neither from political accidents nor from conditions peculiar to particular countries. Rather, they form part of a well-defined plan in which both the government authorities and big business, in both the United States and Brazil, as well as the national bourgeoisies, play their carefully prepared roles.

d) *The foundations of the fascist "miracle"*

The authorities which result from coups d'état take all necessary steps to restore privileges to the dominant groups. There are two typical lines of attack; measures to favour the multinationals, and social and trade union repression.

In Bolivia, the "Mineral and Chemical Philips Co" and the USS demanded 12 million dollars compensation from the Torres government for the nationalisation of the zinc reserves of the Mathilde mines. Comibol technicians estimated 8 million dollars as reasonable compensation.

When Banzer came to power the two companies raised their demand to 25 million dollars. Banzer settled for a single immediate payment of 13.4 million dollars. To pay this, Bolivia had to borrow from the Bank of America and the First National City Bank. Interest on these loans brought the total cost to Bolivia of compensation to 18.5 million dollars.

In Uruguay, during Pacheco's "legal dictatorship", the banks and the cold store industry were de-nationalised.

In Brazil, in 1955, after Vargas' suicide, the new president, Café Filho, decreed "Ordinance 113" which allowed foreign companies to import any equipment they liked, at market prices; domestic companies, on the other hand, could import only new equipment, had to obtain an import licence, and had to pay in foreign exchange.

In Chile, in 1974-5, Pinochet made a deal with ITT. In return for selling to the Chilean Development Corporation (CORFO) its shares in the Chilean telephone company, ITT retains the other companies it has set up in Chile.

As to trade union and social repression, rather than go into the innumerable individual instances of imprisonment, torture and murder of trade unionists and workers, some examples of general repression are given.

In all fascist countries of Latin America the trade unions have either been abolished or brought under public control. In Argentina, the engineers' unions in Cordoba and the printers' in Buenos Aires were dissolved. In 1964 in Bolivia, Barrientos limited the social and trade union rights of workers, and in 1972 Banzer closed down the head office of the Bolivian trade unions. In Brazil, in 1964, Castello Branco dissolved the "general trade union council"; in 1967, the minimum working age, set at 14 by the constitution of 1944, was reduced to 12. In Chile one of the Junta's first acts was to dissolve the Trade Union Federation (CUT) and to abolish the workers' right of assembly and the right to elect trade union representatives. In Paraguay, the General Trade Union is under the complete control of General Stroessner, who, visiting the United States in 1968, said he considered its general secretary "a member of the government on a level with the ambassador of the United States...". In Uruguay, in 1973, the general trade union council was dissolved.

Conclusions

The two basic features of the Latin American model are two sides of the same coin: on the one hand, privileges granted to the multinationals,

on the other repression of the workers.

This outline could have recounted ever more shocking instances¹. But because the aim of this second session of the Russell Tribunal II was to explain the economic reasons for repression, it was decided to keep to the economic and legal aspects as being more significant.²

Over and above the economic and social aspects, other features came to light in the course of the second session: the military interventions of the United States and of Brazil, cultural domination, the abuse of law in the service of this domination, the structure of fascist power. These phenomena will be the object of enquiry on the occasion of the third session towards the end of 1975.

1. The trade in blood and corpses in Haiti; the "techniques" of torture, the genocide of the indians in Brazil, etc.
2. The first session of the Tribunal, held in Rome from March 30th to April 6th, 1974, had as its aim the condemnation of violations of the rights of man.

PART III

Criteria and Summation of the Evidence

The acts denounced before the Russell Tribunal have been appraised according to international law, either because the governments have transgressed certain basic principles of this law inside their own countries, or because they have acted contrary to this law as it relates to relations between states.

1. Violations of human rights

The sentence passed at the first session includes a very full appraisal, to which reference is here made, concerning:

- the suppression of civil liberties and political rights
- regression in economic, social and cultural rights. The principal instruments to be cited are:

- The preamble of the United Nations Charter, adopted 26 June 1945, and seven articles of this Charter (1, 13, 55, 56, 62, 68, 75) contain express reference to the "universal and effective respect for human rights and the fundamental liberties of all." (Art.55c). According to the International Court of Justice "a denial of the fundamental human rights of the individual is a flagrant violation of the aims and principles of the Charter." (Consultative opinion concerning Namibia 21 June, 1971 - no. 131).

- Article 5 and 13 of the Charter of the Organisation of American States (Treaty of Bogota, 30 March to 2 May, 1948) as well as the American declaration of the rights and obligations of man adopted in the summing-up of the Bogota Conference of 1948.

- The international agreements of 16 December 1966, one on civil and political rights, the other on economic, social and cultural rights, ratified by the Chilean government, 10 February 1972.

- The international conventions on trade union freedom and other special rights concluded under the auspices of the ILO.

In the evolution which the international concept of human rights has undergone, emphasis has moved from the rights of the individuals (e.g. individual liberty and property) to collective rights: the right of peoples to dispose of themselves and their own natural resources, the right to

decide for themselves their political and economic system, the right to education and to cultural enjoyment.

This is why the Russell Tribunal, in its first sentence, especially emphasised the seriousness of the violations of human rights in Latin America. The destruction of individual liberties must here be seen as the installation of a repressive system designed to prevent the evolution of socio-economic structures towards an improvement of the conditions of life of a whole people. The Tribunal emphasises once more the repressive nature of this process. The fact that many Latin American governments have signed treaties which their successors today deliberately flout reveals the degradation of the socio-political system in this part of the world.

2. Other violations of international law

The Russell Tribunal II, in its first sentence, found that certain actions, taken under government responsibility, were contrary to international law.

Thus, the Chilean Junta was pronounced guilty of violation of the right of asylum and of diplomatic rights, as well as of the Geneva Convention of 28 January 1951 on the status of refugees.

At the end of this second session the Tribunal notes that, contrary to international law, both conventional and customary, the government of the United States and its agents intervened to overthrow the legitimate government of Chile. Articles 15, 16 and 17 of the OAS Charter (Treaty of Bogota 30 April 1948) introduced into relevant American law particularly strict rules on this point.

3. Condemnation of the system of economic domination of Latin America

a) The right to economic and social development

Articles 1 and 55 of the United Nations Charter, affirming the principle of the equality of rights of all peoples, including the right to equality and to self-determination; and the obligation of the United Nations to encourage "the raising of living standards, full employment and the conditions for progress and development in the economic and social order" have served as starting point for a series of resolutions of the General Assembly aimed at the establishment of a new international economic order.

The Tribunal recalls in particular:

The declaration of the permanent sovereignty over natural resources

(Resolution 1803 (XVII) 14 December 1962)

– Resolution 2131 (XX) 21 December 1965 on the inadmissibility of interference in the internal affairs of other states and the protection of their sovereignty and independence.

– Resolution 2625 (XXV) 4 November 1970 on the principles of international law on friendly relations and co-operation between states in conformity with the Charter of the United Nations.

– Resolution 3201 (S.VI) 1 May 1974 which adopted the Declaration of establishing a new international economic order. It was clearly this declaration, culminating point of the special session of the General Assembly, which called in question, in the clearest of terms, the old system, proclaiming the need to establish a new international economic order to redress the inequalities and remedy present injustices. The Declaration condemns “a world in the grip of a system which goes back to the time when most developing countries had no existence as independent states, and which perpetuates inequality” –

– The Resolution of 12 December 1974 which adopted the Charter of the Economic Rights and Obligations of States by 120 votes to 6 with 10 abstentions (the western industrialised states).

This Charter explicitly states:

“Economic as well as political and other relations between states, should be governed by the following principles:

- a. Sovereignty . . . and the political independence of states.
- b. Non-intervention . . .
- e. Mutual and equitable advantage.
- g. Equality of the rights of peoples and their right to self-determination.
- i. Reparation for injustice imposed by force, depriving a nation of the natural means needed for normal development . . .
- k. Respect for human rights and fundamental liberties.
- l. The obligation of States not to seek hegemony and spheres of influence.
- m. The promotion of international social justice.
- n. International co-operation for development.”

The following principles stand out from these texts:

- the right of peoples freely to choose their political, economic, social and cultural system without any foreign interference.
- the right of each people to reassert permanent sovereignty over its natural resources including the right to nationalise them.
- the right and duty of every state to eliminate neo-colonialism and all other forms of occupation and domination, together with their

economic and social consequences.
(Article 16 of the Charter, 12 December 1974.)

Numerous texts might also be mentioned on the right to a fair price for raw materials, the right to financing for development, to investment, to international trade, technological transfer, improvement in the system of generalised tariff preferences, etc.

While these resolutions and the details they include cannot be said to be legally binding, it is impossible to ignore the constant and consistent reiteration of a fundamental principle, namely that not only is the permanent sovereignty of peoples over their natural resources now a universally accepted principle, but also that "the right of a people to permanent sovereignty over their wealth and natural resources must be exercised in the interests of national development and the well-being of the population of the said state."

The compelling nature of this principle and its incidence on the right to nationalise is today also largely recognised by western jurists. Moreover this principle is consistent with Article 1 paragraph 3 of the United Nations Charter which recognises as one of the aims of the United Nations "to achieve international co-operation by resolving the economic, intellectual, social and humanitarian international problems." Now there can be no doubt that these problems cannot be solved whilst the great multinationals continue to plunder countries and peoples. It is true both political and ethical values are inherent in the above affirmations, but it is a characteristic of international law that it operates between politics and ethics, and that both must contribute to the process of working out a system of laws applicable to the international community as a whole. "It would be pointless and precious to set out the evidence that present day international law closely relates the universal and effective realisation of the rights and liberties of Man to economic, social and cultural development." (Aix-en-Provence. Colloquium: Developing Countries and the Transformation of International Law. Paris, 1974 p.78).

b) *The right of peoples to self-determination*

Another principle whose juridical force is undeniable, solemnly affirmed in the Declaration on the Granting of Independence to Colonial Peoples and Countries (Resolution 1514 (XV) of the General Assembly, 14 December 1968) but since repeated in international acts without number, is the right of peoples to self-determination.

Thanks to the fact that the colonial powers, almost universally, have

applied it, this principle has been accepted as binding. The Portuguese dictatorship fell because it refused to respect it. France, to keep control of the territory adjoining Djibouti, had to justify itself by holding a plebiscite, albeit a rigged plebiscite. The right to self-government has been re-affirmed once more for the Palestinian people. Certain it is that no country any longer dares to deny this principle, even though some resort to subterfuges to justify behaviour which contravenes it.

The Declaration of Independence of 1968, moreover, made very clear what was meant by self-determination. It says: "All peoples have the right of free self-determination; by virtue of this right they freely determine their political system, and freely pursue their economic, social and cultural development."

Thus the right to self-determination means the right to shape their own future, not only their political, social and cultural future, but also their economic future, by decisions freely taken. And since this right, by unanimous consent, is a fundamental right of all peoples, we come to the same conclusion as we did examining the right to development.

c) *The principle which makes it illegal to abrogate the right to self-determination and economic development.*

International practice, on the question of despoiling natural resources, is now uniformly based on respect for the right to development. The importance of this principle in the realities of present day international politics is clear when we look at the problems of nationalisation.¹ A necessary implication is that the principle of the permanent sovereignty of states over their own natural resources forms part of *ius cogens* is today defended in western legal doctrine. (See for example: Brownlie, *Principles of Public International Law*, 2nd edition, Oxford, 1973 p.500).

The international community has definitely affirmed and juridically protected, as being in the common interest of the majority of people, that the natural resources of a country should be used to further national development and the well-being of the population. (Resolution 1803 (VII)). It follows from this that all acts, even those taking the form of agreements between the local government and foreign states or companies, which lead to the use of the natural resources of the state for the benefit of the foreign states or companies, are illegal. It further

1. See A. Giardina: "Nationalisation and Compensation in International Law" in *Petroleum Law and the Sovereignty of Producing Countries* (Algiers Colloquium 1971), Paris 1973, pp.46 and 47.

Francioni "Compensation for Nationalisation of Foreign Property" in *The Borderland Between Law and Equity*, ICLQ 1974.

follows that any international agreement, concession or contract drawn up under local law which entails the economic exploitation of a given country is, from a juridical stand-point, null and void.

As to international agreements signed by local governments the answer is clear; the validity of all these treaties is subject to the general principles of *ius cogens*. Indeed, Article 53 of the Vienna Convention on the law of treaties laid down the principle that no such treaty can over-ride the norms of international law.

Any new government established in a given country is not bound by agreements reached by previous governments if those agreements involve the alienation of the natural resources of the people. It can invoke the principle of non-validity.

A similar situation arises in relation to concessions and agreements made between local governments and foreign companies on the basis of internal law. It is true that the juridical basis for such agreements must be sought in the internal law of the producing country. But it is also true that state laws conform, either tacitly or explicitly, to international law, giving the general norms of international law validity as principles of internal law. It thus follows that concessions and contracts which entail the economic plunder of a country to the advantage of states and foreign enterprises must be held invalid, since they violate the general principles of international law, principles which form part of the juridical systems of the producing states.

Thus also in the case of concessions and agreements concluded under internal law it is clear that a government which succeeds one which has made contracts with foreign companies is not bound by those contracts. In particular, it may declare invalid (and, as will be explained below, illegal in international law) any compensation measures in favour of nationalised foreign companies by the previous government.

d) *The violation of the right of peoples to their economic development is a threat to peace and international security.*

It is of overwhelming interest, if peaceful co-existence between states is to be sustained, that the natural resources of any country shall be used to further the development and the well-being of the people of that country. This stamps all agreements which endanger that interest as juridically invalid.

The growing concern of the United Nations for the phenomenon of the economic exploitation of many countries by foreign states and companies has been fully emphasised. The concern of the United Nations and its specialised agencies arises from their major objective of ensuring

peaceful co-existence between states. In fact, it has gradually been recognised that serious tensions, internal as well as international, sufficient to endanger good relations between states, arise from situations of economic exploitation.

There is nothing new about this interest of the United Nations and the actions they have taken in areas traditionally outside the realm of international law. The abolition of colonialism, apart from a few limited exceptions, can, happily, be considered accomplished. Similarly, action has been undertaken to protect human rights and to eliminate racial discrimination. The United Nations has intervened in all these spheres because certain situations were considered a threat to international peace and thus impaired the organisation of friendly relations between states.

Its present concern with permanent sovereignty over natural resources can be similarly explained. Paragraph 7 of the 1962 Declaration (Resolution 1803 (VII)) was precise on this point. "Any violation of the right of peoples and nations to sovereignty over their wealth and natural resources is contrary to the spirit and the principles of the United Nations Charter and obstructs the development of international co-operation and the maintenance of peace." Firstly, it must be recognised that the principle of the peoples' permanent sovereignty over their natural resources has its origin in the Charter of the United Nations, and that therefore any violation of this principle constitutes a violation of the Charter. It must in consequence be emphasised that a violation of the aforementioned principle represents an obstacle to the development of international co-operation and the maintenance of peace.

The declaration on friendly relations confirmed this position when it adopted the principles of international law on friendly relations and co-operation between states in the conviction "that the subjection of peoples to foreign occupation, domination and exploitation constitutes a fundamental obstacle to the achievement of peace and international security."

Finally, the Security Council itself, at the 1973 Panama session (Resolution 330) denounced "with deep disquiet, coercive measures affecting the free exercise of permanent sovereignty over natural resources in Latin American countries." It pointed out that this situation could threaten peace and security and asked states to refrain from coercive actions and take measures to prevent companies from exercising pressure on the countries of Latin America.

In conclusion, every form of economic pressure directly applied by capital-exporting states, as well as their political encouragement or tolerance of public or private companies applying the same pressures, must

be judged internationally illicit.

The term illicit in international law does not only apply to the actions of States practising these forms of economic exploitation in Latin America. The action of governments which encourage and tolerate this exploitation is also illicit. The United Nations considers that peace and international security are threatened by this economic spoliation as such, independently of the ways in which it is organised.

All forms of acquiescence or tolerance by the local governments in their dealings with the foreign States or companies are dangerous to universal peace and therefore illicit in the eyes of international law. In other words, the United Nations considers that the right of peoples and nations to use their natural resources for their own benefit should be protected and holds as illicit any conduct which obstructs the exercising of this right. It holds the local governments no less responsible in these matters than the foreign governments that are engaged, directly or indirectly, in exploiting these natural resources.

e) *Classical international law, the law of peoples and the new international economic order*

There are three components of law in the international setting:

- classical international law, the simple co-ordination of government actions.

- "peoples" law, such as that which emerges from the resolutions of the General Assembly of the United Nations.

- international economic law.

1. Classic international law is beset by a fundamental contradiction. It is made up of laws which are binding on States, laws which the States themselves, through their governments, have recognised as binding in their dealings with one another. But the formality of the representatives of governments which, in fact, exercise authority in a regular manner in the territorial space belonging to them, makes impossible any control by an international organ of the manner in which governments exercise that authority. While by no means negligible, the contemporary values of the international legal order are purely formal. The prohibition of wars of aggression implies a territorial *status quo* which ends up by freezing national frontiers. On the other hand, certain forms of economic and cultural aggression escape the control mechanisms of classic international law. Nor does classic international law encourage the active cooperation of peoples to reduce injustices flowing from the present uneven distribution of wealth and knowledge.

2. Such is the aim of the new international law which may, by contrast,

be described as the "peoples" international law. The most noteworthy achievement of this new dynamic law has been political decolonisation, today almost complete. Economic and cultural decolonisation, on the other hand have yet to be achieved. Numerous resolutions of the United Nations General Assembly, as well as the very recent Charter of the Economic Rights and Duties of States, include many interesting suggestions for reducing the flagrant economic and cultural inequalities in the world today.

3. The international economic order perpetuates these inequalities produced by history and may even be said to accentuate them. This economic order is founded on freedom of contract and functions practically outside the control of the State. Economic, cultural and technical powers are invested in private persons who effectively control the greater part of international economic relations. Where it proves necessary, classical international law gives support to the existing state of affairs because of guarantees by international law that territoriality affords to the protection of private property. It cannot be said that the international "peoples' law" inaugurates a new international economic order, but it does assert values, in the form of demands from the very poor, values which are bound to influence the evaluation of the international economic order. For the time being, however, mere affirmation remains consistent with existing inequalities.

At the level of law, the Tribunal notes elements of conflict between the liberal framework of international economic law, the more "socialist" tendencies in law as reflected in resolutions voted by the General Assembly of the United Nations, and finally the formalism of classical international law which recognises only states represented by governments having effective control over their territory. It will be necessary in the future to make adjustments between these three trends: in international economic law, in peoples' law, and in classic international law governing relations between States.

The Russell Tribunal supports the notion that both classical international law governing relations between States and, even more, the liberal framework of international economic law have an outdated air, whilst peoples' law is the new and progressive element in international law. Consequently if there is need to overcome contradictions between these differing aspects, these must be resolved in favour of the "people's law".

In the present economic system multinationals play a quadruple role:

- a. They contribute to the subjection of countries which supply labour and raw materials to the industrialised countries.

- b. They control the "regulation" of international trade in ways which are dominated by the quest for profits.
- c. They prevent all national planning, without which there can be no development. Development is not to be confused with growth.
- d. They have begun to take hold of the capitalist States themselves and have succeeded in associating the interests of the dominant class with their own interests.

Finally, the means provided for the development of international law, by the creation of specialised agencies of the United Nations, international financing agencies, development assistance agencies, remain in the control of the more industrialised countries, given the weighting of votes in the governing councils of these organisations. The consequence is that the United Nations Organisation has no adequate means of carrying into effect the principles and programmes contained in the General Assembly resolutions.

The Verdict

The verdict of the Tribunal is directed towards that form of development and organisation of society of which the "Brazilian model" is today the most representative. In this model the directions of economic development are determined by private economic powers. Any social advantages that ensue (for example, in the creation of new jobs) are but accidental and in no way offset the basic inequalities. At the most they serve to slightly widen the circle of the privileged. No real social progress can be expected from such a development model. It may slightly shift the frontiers of poverty, hunger and ignorance, but simultaneously strengthens the domination exercised over those peoples and groups which remain outside the magic circle within which perhaps some measurable progress can be recorded. Moreover the inequality in demographic growth has the effect of increasing the number of undernourished as well as their share of consumer goods produced.

The instability of those Latin American democracies which have achieved independence and the recent degradation of most of them through the installation of repressive military dictatorship have the self-same cause, a cause which the work of the Second Session of Russell Tribunal II has helped to elucidate: this is the economic dependence of Latin America, a dependence which political independence, far from allowing a real autonomy of the peoples, has served to accentuate.

Furthermore, some Latin American countries have made a certain progress — again Brazil serves as the best example — which puts them in the front rank of the underdeveloped countries. This economic growth

corresponds to a dependence which is at once accepted and rationalised. It goes along with the destruction of the last vestige of nineteenth century liberal democracy. A comparison with other third world countries, even more prosperous (South Africa, for example) compels one to reject the political system underlying this type of "economic growth": it subordinates human progress to the spread of consumer goods and technology (and, incidentally, of welfare and a type of culture) from a centre where power and privilege are continuously consolidated while maintaining the illusion of slight improvements accruing to those on the periphery.

4. The development of international law

From all that has gone before it is clear that international law itself is underdeveloped and that the Russell Tribunal must play its part in the needed transformation.

One way is to further clarify, in a Third Session, certain points which have not been sufficiently examined here. One point to be elucidated is the relationship between multinational enterprises and the governments of the countries where their operations are centred.

The essential points that need further study are the following: to start with, the duty of a state in which a multinational company has its origin to exercise an adequate control over that multinational company must be asserted. This control must extend to operations carried on outside the territory of the State of origin, whether these operations are carried out directly by the multinational's own agents or by its affiliates, even if the latter have a distinct juridical status and have acquired the nationality of the underdeveloped country in which they carry out their operations. Indeed, international jurisprudence (for example, the Court of Justice of the European Economic Community) has very clearly stated that the control exercised by a parent company over its branches means that a parent company can be charged with illegal acts carried out by its branches.

Also in need of affirmation is the duty that lies on a State from which a multinational operates to see to it that its constituent companies do not commit illegal acts outside the national territory.

Two categories of illegal acts can be distinguished:

1. more typical, evidently, are the interventions of these companies in the political life of the underdeveloped country where they operate, e.g. the disturbance they can create, interference in political activity, support or opposition to certain parties at elections;
2. but the question also needs to be raised of the duty incumbent on

the State of origin to prevent multinationals from acts, in the countries where they operate, which are destructive of the fundamental values of those countries.

What is needed therefore, in respect of the main countries where multinationals are headquartered, starting with the United States, is a thorough study of the following:

1. a study of the legislation of these countries to check whether the State is armed with the juridical means of controlling multinational companies, but nevertheless refrains from doing so;
2. to check whether the State not only refrains from preventing these companies from committing illegal acts but even helps in their execution;
3. to determine how far States from which multinational companies operate extend, to the underdeveloped countries, aid, including military aid, which is intended to serve the requirements of private economic power.

Finally, it would be useful to make a very careful analysis of the relationship between the multinational enterprise and its country of origin. It would seem that this relationship is a complex one, given that, on the one hand, the company can enhance the political influence of the State from which it operates, while, on the other, it makes use of the prestige and the military power of the State to subordinate State policy to its own ends.

One conclusion that might perhaps be reached is that of the subordination of the countries of origin to the more powerful multinationals. Another is that the people of the countries from which multinationals operate are also adversely affected by their activities, albeit to a much lesser extent.

Other and more fundamental problems lie outside the competence of the Russell Tribunal: in particular, the construction of a new world economic order, in which the progressive forces of all countries are called on to collaborate.

VERDICT

The Tribunal therefore declares:

A. *Violations of Human Rights and the Rights of Nations*

1. That repression in Brazil, Chile, Bolivia and Uruguay not only has

not lessened since the verdict was pronounced at the First Session, but has even continued to intensify. That the statement made in the first verdict that the governments of the four states had been guilty of grave, systematic and repeated violations of Human Rights, after the further evidence presented to this Tribunal, is still valid.

2. That there is consistent and decisive proof that state law is being systematically undermined and that civil and political liberty, as well as social and trade union rights, have also been suppressed in the following countries: Guatemala, Haiti, Paraguay and the Dominican Republic. That the condemnation of Brazil, Chile, Bolivia and Uruguay should therefore also be extended to these other four countries.
3. That a formal accusation of the violation of Human Rights has been brought against Nicaragua and the Argentine Republic.
That political murder and murder attempts are committed either by, or with the complicity of, the Argentine authorities.
That the Tribunal was particularly alarmed by the condition of political refugees in the Argentine Republic.
4. That both the United States government and the Puerto Rican authorities, under its orders, are transgressing resolutions 1514 (XV) of the General Assembly of the United Nations of December 14, 1960 by which they should have effected the immediate and unconditional transfer of all powers to the peoples still not independent, and that the resolutions on Puerto Rico, adopted by the Special Committee on Decolonisation at the same assembly, are being transgressed.
5. That pollution of natural resources, ecological damage, and sterilisation of women have been reported in many Latin American countries, and are attributable to the unbridled search for profits on the part of the North American multinationals; and that this is happening in a particularly serious and systematic way in Puerto Rico.
6. That throughout the last 25 years, and latterly with increasing frequency, peasant leaders and students have been massacred by government troops in Colombia. That in Colombia there have also been mass arrests of peasants, and that political prisoners have been illegally detained under deplorable physical conditions. These violations of Human Rights occur in a political situation in which many areas of Colombia are under permanent military control, under a continuing state of emergency and under other exceptional legal measures. The pressure of private North American interests, intent on exploiting the

natural resources of the Colombian people – coal, nickel and natural gas – is the cause of this situation.

7. That, of all peoples subject to repression, it is the Indian communities in Latin America who are the worst victims of colonial aggression. It is they who suffer the greatest discrimination at the hands of private concerns, multinational and local.

That the Brazilian government must be held responsible for the crime of genocide.

The Tribunal has received clear and circumstantial evidence on this.

That certain Indian communities in Colombia have been broken up by attacks which the government does nothing to prevent.

B. *Economic causes of the violations of Human Rights and the Rights of peoples.*

The Tribunal has established that the United States and foreign enterprises – of the foreign enterprises the most numerous and powerful are North American – represented in Latin America by branches or companies whose capital and activities they largely control, have exerted and continue to exert, with the complicity of the Latin American ruling classes, continual pressure in order to assure themselves both strategic control and the highest possible profits.

This intervention takes the following forms:

- a. A massive presence of multinational firms in most countries of Latin America. These firms have their headquarters outside the continent, and their very presence – given their size and importance – represents a threat to the autonomy of the Latin American countries in which they operate.
- b. The multinationals plunder the natural wealth of these countries: the subsoil, the environment, raw materials, labour and intellectual resources; all this in addition to the capital extracted from the process of domestic accumulation.
- c. They make local governments pay the cost of providing the infrastructure necessary for the conduct of their operations and acquire the inputs to serve their productive process on advantageous terms.
- d. They impose the obligatory import of a technology which inhibits the building up of national research and development and which weighs heavily on the balance of payments through the royalties paid for various patents.
- e. Most of the superprofits thus acquired are exported, while those

profits re-invested in the country are, through the use of favourable fiscal devices, used to extend control over other sectors of the economy.

- f. They use the local oligarchy, and the government which it controls, to keep down wages, to impose inhuman conditions of work, to deny workers freedom of association and the right to strike. To prevent the exercise of these rights they have recourse to every means of repression, including murder.
- g. To step up the rate of capital accumulation, they steadily reduce wages and purchasing power. Contrary to what is claimed in the propaganda of the governments and of the multinational firms in question, the living standards of the people, far from improving, decline as the profits of the multinationals increase.
- h. The Latin American countries and peoples are subordinated to the needs of the USA, local production being directed to sectors which are geared to foreign markets or to the needs of the privileged classes in the domestic market, or which are destructive of the environment.
- i. They systematically oppose every attempt on the part of the people to regain control over their own development. This opposition takes the form of abuse of economic power, denying foreign loans, obstructing supplies and exports, blockade, judicial and other measures abroad, sabotage by foreign groups living in the country, financing strike breaking and reactionary forces (press, politicians, political parties, the army), interference with legislation and direct intervention. The "Trade Act", signed by the President of the United States on 3 January 1975, threatens those peoples who want to assert economic sovereignty and exercise their right to dispose of their own natural resources, with intervention, not excluding military intervention.

From all this it follows:

- j. The North American multinationals, for their own profit, organise not only the plunder of Latin American resources, but also the violation of fundamental Human Rights that this entails.
- k. It is their intention and their strategy to prevent the economic development of the Latin American countries, and the management of their own affairs by these peoples. They impose instead a total domination over them.
- l. The North American government and the local oligarchies are jointly responsible for this plunder, for this violation of rights, for this strategy and for their consequences.

The following violations have been established:

- of the right of peoples to autonomy.
- of the right of peoples to control their own natural resources.
- of the right of peoples to autonomy in their internal affairs.
- of the right of peoples to full participation in the process and fruits of development.
- of the right of peoples freely to choose their own economic and social system.
- of the right of peoples to a just and equitable price for their raw materials.
- of the right of peoples to recover control over their own natural resources.
- of the right and duty of every state to oppose neo-colonialism and every form of occupation and domination, together with their economic and social consequences.

These rights have been affirmed by the United Nations and together constitute a coherent system of international law.

FROM THE FOREGOING FINDINGS THE TRIBUNAL ASSERTS THE FOLLOWING CONCLUSIONS:

On Human Rights:

The Tribunal recalls that, at the Rome Tribunal, it declared the de facto authorities in Brazil, Chile, Uruguay and Bolivia guilty of serious, repeated and systematic violations of Human Rights, and it confirms that condemnation.

In view of the gravity of these violations it declared the de facto authorities in each of these four countries guilty of crimes against humanity.

Today it declares the de facto authorities in Guatemala, Haiti, Paraguay and the Dominican Republic also guilty, for the same reasons.

It declares the government of Brazil guilty of the crime of genocide.

Accompanying evidence placed before the Tribunal compels them to note once more that social and trade union rights, trade union freedom and freedom of association have been systematically destroyed in the above-mentioned countries.

The Tribunal expresses its deep disquiet at the arrests, persecution, torture and assassination of militants, workers, professionals and refugees from other South American countries and notes with concern the extent of the responsibility of the Argentine government for this situation.

On the Rights of peoples:

The Tribunal declares the operations of the multinationals to be attacks on the sovereignty and on the rights of peoples.

It declares that the activities of multinational companies and foreign operators in Latin America warrant their nationalisation, either without compensation, as a punishment, or after deduction of excess profits.

It further declares that the compensation awarded to multinationals by illegitimate and repressive governments, in defiance of the laws which establish nationalisation and the rights of peoples, is wholly invalid; and that both the recipients and the granters of such compensation will be held responsible.

It denounces the attempts of the multinationals to be recognised as being subject to international law. It declares that they function exclusively within national juridical frameworks, and that the setting up of special juridical systems, common to both multinationals and nation states, is contrary to international law.

It declares that some of these multinationals are co-perpetrators of fascist coups, as was the case of ITT in Chile.

It condemns those persons and authorities who have taken power by force and who continue to exercise it in contempt of the rights of their people. Under this heading it condemns the persons presently in power in Brazil, Chile, Bolivia, Uruguay and the Dominican Republic.

The Tribunal declares that the military junta presided over by General Pinochet in Chile is there in total violation of international law, and as such has no right to a place in the Community of Nations.

It condemns the government of the United States which encourages and supports such acts.

For these reasons it condemns Presidents Nixon and Ford and the leaders of the United States of America, especially Henry Kissinger, whose responsibility for the fascist coup in Chile was evidenced by documents published in the United States.

* * * *

THE TRIBUNAL

demands the immediate release
of all those in detention for political activity or opinions

The Tribunal pronounces its profound disquiet at the violations of international law and of people's rights in Colombia; it emphasises the

role that foreign interests play in these violations; it announces its intention to move on to further enquiry, making use of all possible means and avenues, and of sending a special commission to Colombia to make an exhaustive report on that country and on the responsibilities of its government, to the Third Session.

It is agreed to continue with similar inquiries on Nicaragua during the next session.

During the next session it should also define with greater clarity:

1. The nature and scope of United States military and police intervention in Latin America, and the role of Brazil.
2. The scale of military training provided to Latin American armies in the United States military schools.
3. The role of the multinationals in the deculturalisation of the Latin American peoples.
4. The nature of the links between governments and private economic interests, in order to indicate more precisely just where lie the responsibilities.

THE TRIBUNAL

is agreed that a copy of these decisions be sent to all interested authorities, both national and international.

SPOKESMAN PAMPHLETS

1.	A Strategy for the Left	Laurie Aarons	10p
2.	The 'Cultural Revolution' in China	Isaac Deutscher	12p
3.	The Draft Programme	Communist Party of Australia	10p
7.	The Crisis in the Czechoslovak Communist Party	Interview with Czech Communist	10p
8.	The Action Programme	Communist Party of Czechoslovakia	15p
9.	Oil, Oppression and Resistance in Iraq	Interview by Chris Farley	10p
10.	Socialism lives in Czechoslovakia	Czech Socialist Movement	10p
11.	Trade Unionists: We Can Defeat the Tory Bill!	Ken Coates, John Hughes and Others	10p
12.	War Crimes in Vietnam	Jean-Paul Sartre and Vladimir Dedijer	10p
13.	The Struggle for Quebec	John Fekete and Others	30p
15.	The Students and the Revolution	Rudi Dutschke	10p
16.	Defend Democracy	Spokesman Editorial Board	10p
17.	Women's Liberation and the New Politics	Sheila Rowbotham	12p
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