

The Role of the Working Class in the Struggle Against Transnational Corporations

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1. The transnational corporation has been defined as "a company that tries to conduct its activities on an international scale, as if there are no national borders, on the basis of a common strategy run by the corporate centre". Its policies are established by the decisions of the corporate centre regarding the location of the plants and what each of them produces in the production chain and in terms of marketing and financing. But in addition and above all, transnational societies are the nucleus of the contemporary capitalist system, imperialist and uttermost exploitative.

When we say "capitalist system" we refer not only to its economic-

financial aspects, but a system of domination with its economic-financial components, yet also political, military, social, ideological, cultural, educational and media components. Transnational corporations act simultaneously or successively in the real economy and in financial speculation, production, trade and services. They act directly or through their subsidiaries de facto or de jure and with the subordinate participation of their suppliers, subcontractors and licensees. Also, for different reasons, large transnational corporations often change their headquarters and name. Above all, they change their name when their public image has deteriorated for one or several reasons.

With the emergence of monopoly capitalism, which was consolidated in the second half of the twentieth century, transnational corporations have become the basic structures of the global economic-financial system and replace the market as a method of organising the economy. This does not mean that there is no competition between the big oligopolies, which is often fierce and without quarter. Relationships between large transnational corporations are a



combination of relentless warfare over the control of markets or zones of influence, forced or consensual takeovers or acquisitions, mergers or entente, and the permanent but never-succeeding attempt to establish private and voluntary rules of Game between them. For the true supreme law of relations between transnational societies is to "devour or be devoured."

Thus, when today we hear from the market that "the functioning of the economy must be left to market forces" it must be understood that the functioning of the economy (and society in general) must be subject to the strategy determined by the great transnational societies whose basic objective is to maximise their benefits, appropriating by any means the output of work, the savings and the traditional and scientific knowledge of human society. In this way, a transnational world power has been erected and imposed upon the nation-states, that no one has chosen, which is fundamentally based on the fact that it has the large-scale concentrated ownership of capital in its various forms and has the political elites and already a good part of the so-called "civil society" –people, institutions and national and international organisations– at its service. It provokes confusion to speak of "neoliberal globalisation" because in reality it is the world dictatorship of transnational capital with a very small dominant minority of exploiters on the one hand and a huge mass of oppressed and exploited on the other. Moreover, to think about "neoliberal" as relating to "liberalising" from some sort of oppression is quite deceitful, for its current tendency is clearly antidemocratic, authoritarian and engendering of fascism.

The enormous power of transnational corporations and their dominant presence in all spheres of human activity has enabled them, among other things, to subordinate to their own strategies the policies of States and international intergovernmental institutions, beginning with the apex of UN and its decision-making bodies. This explains why successive attempts to establish social control over the activities of transnational corporations, from the attempt to draft a Code of Conduct in the 1970s, to the Draft Standards adopted in 2003 by the Sub-Commission on the Promotion and Protection of Human Rights have failed in recent decades. We must add to these failures the rejection of the proposal made by the French Government, when discussing the Statute of the International Criminal Court, to include legal persons in it; an initiative supported by a single NGO, the Lelio Basso Foundation. All other NGOs present in Rome (around one thousand) abstained from supporting the French proposal so as not to irritate the United States in order to accept the Statute; which said country finally never adhered to. Including juridical persons in the Statute involved opening a door for the trial, before the International Criminal Court, of transnational corporations involved in serious human rights violations.¹

Experience has shown that it has been a constant for several decades in the UN and international systems, that all initiatives seeking to advance international standards in different fields, whether they are totally blocked or if they come to fruition, culminate in a basically innocuous instrument as a consequence of the methodical work of attrition carried out by the different agents of power. The examples are multiple. Despite its tripartite nature, this process of regression also takes place in the International Labour Organisation with the existing international labour Conventions, replacing them with others in order to adapt them to the objectives of transnational economic power and thus to deepen further the exploitation of workers. Such a process can be said to have started at the ILO in 1998 with the Declaration on Fundamental Principles and Rights at Work (a non-binding declaration which referred to labour rights already covered by mandatory Conventions and ignored the existence of other existing mandatory Conventions), which continued with the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, (which sought to ignore a number of earlier Conventions on child labour, in particular the Minimum Age Convention 138 of 1973), continued in 2000 with Convention 183 on the Maternity Protection Convention, which amended Convention 103 of 1952 and continued in 2001 with Convention 184 on Safety and Health in Agriculture.

As regards to the specific rules for the protection of women in employment (night work, manipulation of authorised maximum weights, work with materials containing lead or other harmful substances, etc.) these were eroded or directly suppressed on the grounds that they were discriminatory against women and equal treatment of women and men, established by the European Community Directive 76/207 / EEC of 1976. Under this Directive, the European Commission imposed on France in 1999 a fine of 900,000 francs a day From 30/11/2000 until it abolished the legal prohibition of night work for women. This was how France completely abolished the ban in May 2001.

¹ ↪ Teitelbaum, *Un Tribunal para castigar los crímenes internacionales*. <http://www.alainet.org/es/active/173>. 11/2/1998 y La nueva Corte Penal Internacional <http://www.alainet.org/es/active/1889>, 11/4/2002.

It is true that the night work of women is currently widespread and its prohibition is not justified in all cases. But it is also true that the proclaimed equality of treatment in labor matters between men and women does not apply when it should apply, for example, with regard to equal pay for equal work. One of the ideological expressions of this regressive trend in labour standards is the Report of the World Commission on the Social Dimension of Globalisation, established by the ILO, published in March 2004: *A Fair Globalization: Creating Opportunities for All* (www.ilo.org/wcsdg). Among other things, the Report states that "the benefits that can be gained from globalisation are immense" and that globalisation "has favoured open societies and economies".

This last sentence does not succeed in concealing the underlying reality: entire nations subjected to the plunder of transnational corporations and international financial capitalism.² To this must be added the obstacles employers impose inside the ILO to establishing binding rules for TNCs, as Bernard Thibault, former Secretary-General of the French CGT, points out in an interview (<http://cgt.fr/La-future-loi-sur-le-devoir-de.html>). Thus, as the history of the last 40 years indicates in this respect, the road to adopt a Treaty binding on transnational corporations is littered with obstacles such as the enormous socio-political weight of economic power, the subordination of national and international ruling elites to this power and the complicity, open or concealed, deliberate or involuntary, for ideological and / or economic reasons, of part of the so-called "civil society" (media, professors, "experts", parties, politicians, organisations, etc.).

The legal arsenal currently in force, such as the Universal Declaration of Human Rights, the International Covenants on Human Rights, the ILO Conventions and Recommendations, among others –entrenched or sterilised by many obstacles, although they may prove useful, are insufficient and makes it necessary to complete and refine them with other binding instruments and national and international institutions that guarantee their strict application. Previous experiences indicate that this objective is a very long-winded and uncertain question. In any case, we think that judicial norms, however perfected they may be, cannot be the tool of social change; but we believe that they can contribute to that change, above all in the sense that they can help to generate awareness among people about their rights and motivate them to fight in their defence.

Although it must be borne in mind that the formulation of law is the work of the State as representative of the ruling classes, the law in force is not a simple product of the will of these classes, but rather reflects –in a schematic manner– the relation of forces between the social classes in a given historical moment. When the relation of forces is more favourable for the subordinate groups, norms of positive sign, such as those mentioned above, are sanctioned. But when the relation of forces is more unfavourable, a normative regression occurs. But even in these circumstances, the invocation of certain legal norms and, in particular, punitive measures to punish members of economic elites who violate the fundamental rights of human beings, have an educational and ideological value to expose the mechanisms of an unfair social system.

To dismantle the power of transnational corporations would mean a decisive blow to the capitalist system that is currently in force. To accomplish this, it is indispensable that the masses of people and their organisations take the lead in order to act in all fields and in all circumstances to confront transnational economic power. They need to combat each and every one of its manifestations, rescuing the principles of public service, especially in matters of health, food, education, housing, transport, energy, postulating the democratisation of communication and information in all its forms with back ups against media monopolies. They need to claim back the rights to cultural identity, to live in a healthy environment and to have a decent, stable, secure job, with short and dignified working hours. They need to vindicate in politics the establishment of an authentic participatory democracy, with representatives that cannot be re-elected and can be removed, and where corruption and conflicts of interest are severely punished, including the definitive prohibition of taking representative posts. The labour movement must play a fundamental role in this struggle, as we shall see below.

²↪ In one of our papers, *The current crisis of the right to development*, Institute of Human Rights of the Universidad de Deusto, Bilbao, 2000, Notebook No. 11, pp. 62-72) we have referred to the regression in recent years (attributable in large part to the pressure of economic power and the servility of the political elites) of labour standards, both international and national, and particularly to the elimination of measures of protection for women in employment. We make reference to it.

II. The successive attempts –foiled– to establish a binding international legal framework for TNLs can be traced back to more than 40 years.

1. In 1974, when the global balance of power was not as unfavourable for the peoples as it is now, the United Nations Economic and Social Council (ECOSOC) established the Commission on Transnational Corporations, which was composed of 48 Member States and gave priority tasks, among others, to investigate the activities of transnational corporations and to develop a Code of Conduct for them. This Code was discussed for ten years but never came to light because of the opposition of the great powers and transnational economic power. In July 1994, when the bipolar world ceased to exist following the collapse of the Soviet Union and the movement of non-aligned countries, founded in 1961, was quite weakened, the Economic and Social Council (ECOSOC) decided to transform the Transnational Corporations Commission into a Commission of UNCTAD's Trade and Development Council, taking into account the « change of orientation » of the Commission (a change consistent with abandoning the attempts to establish social control over transnational corporations and concerning itself instead with the « contribution of transnationals to growth and development »).

2. At the United Nations Conference on Trade and Development (UNCTAD) much time was devoted to the development of a Code of Conduct on technology transfer, but an international consensus on its content was never reached. The interests at stake of the richer countries and the large transnational corporations made such an agreement impossible.

3. At the beginning of the 1990s, a new attempt began, originating in a particular situation: the international demand against impunity for perpetrators of the crimes committed during the Latin American dictatorships of the 1960s and 1980s. This led to the opening of talks in the United Nations Sub-Commission on Human Rights in 1990 on the possibility of appointing a special rapporteur on the subject of impunity. In order to discuss the content of an eventual study, a small group of NGOs were convened by a member of the Sub-Commission, who would then be one of the rapporteurs appointed in 1991 to deal with the topic.

We attended the meeting on behalf of the American (regarding the American continent and not the U.S.) Association of Jurists and maintained the need for the study not to be limited to impunity for violations of civil and political rights but also to cover impunity for violations of economic, social and cultural rights. Our proposal at the beginning did not receive any support, not even from the NGOs who argued that "we should not mix things up" (civil and political rights and economic and social rights) forgetting that the fundamental rights of the person are interdependent and indivisible. In 1991, the Sub-Commission appointed two rapporteurs to deal with impunity, but only in the area of violation of civil and political rights. In 1991 and 1992, we urged the Sub-Commission with oral and written interventions to extend the mandate of the rapporteurs to impunity for violations of economic, social and cultural rights. In 1993, the rapporteurs presented a preliminary report, always limited to impunity for violations of civil and political rights, and we made an intervention requesting once again that the subject matter of the study be expanded. At that session, the Sub-Commission, perhaps as a result of our insistence, but above all because of violations of all kinds of human rights by transnational societies were increasingly evident and flagrant and aroused public alarm, adopted a resolution instructing the rapporteurs to extend their study to impunity for the violation of economic, social and cultural rights by dividing the work between the two rapporteurs: one dealt with civil and political rights and another with economic, social and cultural rights.

Together with the Europe -Third World Centre, we worked closely with the Rapporteur of the Sub-Commission on Impunity for Violations of Economic, Social and Cultural Rights, organising two seminars, one at the UN in Geneva in November 1996 and another at the Universidad Carlos III in Madrid in April 1997. When the rapporteur presented his final report in 1998, the Sub-Commission adopted a resolution to study the activity and working methods of TNLs in relation to the enjoyment of economic, social and cultural rights and the right to development. One of the paragraphs of that resolution stated that one of the obstacles to the exercise of those rights was the concentration of economic and political power in the hands of large transnational corporations.

In the same resolution, the Sub-Commission decided to create and established the mandate of a Working Group to undertake such a study. The Working Group appointed in 1998 had to carry out research and analysis on the activities and methods of operation of transnational corporations, an undoubtedly transcendent theme for some and annoying and

inconvenient for others. The US member of the Sub-Commission hastened to submit to the Working Group a draft, which he first called "Principles", then "Guidelines" and finally "Standards" for transnational corporations. The first project of the US representative was a kind of voluntary code for TNLs, which they could adopt or set aside, commonly called soft law or non-law. It was an attempt to change something so that everything would remain the same.

Together with the Europe - Third World Centre, we endeavoured to improve the Project by proposing substantive reforms to achieve a certain legal consistency and effectiveness. After four years of discussions, organising an interdisciplinary seminar with the participation of renowned jurists and economists³ and a two-day meeting with the members of the Working Group, we managed with CETIM to improve the Project, but many essential issues were not incorporated into it, such as the civil and criminal liability of business leaders, the solidary responsibility of transnational corporations with their suppliers and subcontractors, the primacy of the public service over the particular interest, the prohibition of patent registering forms of life, etc. It is interesting to note the attitude of some large non-governmental organisations, which, since the first version of the Project, which was decidedly unacceptable, asked for its immediate approval by the Sub-Commission, seemingly without concern for its quality and effectiveness, and adopted the same attitude every year with the new versions of the Project, which were not much better than the first. Perhaps some of them decided to adopt a "low profile" so as not to cloud their good relations with some transnational corporations.

At its sessions in August 2003, the Sub-Commission adopted a resolution approving the draft and referred it to the Commission on Human Rights. Although the Project approved by the Sub-Commission was far from irreproachable in terms of the control and legal framework of transnational corporations, they reacted strongly against it with a document of about 40 pages, signed by the International Chamber of Commerce (ICC in English) and the International Organisation of Employers (IOE), the institutions that bring together large corporations around the world. They stated that the Sub-Commission's draft was undermining the human rights, rights and legitimate interests of private enterprises, and that human rights obligations rested with States and not with private actors and urged the Commission to Human Rights to reject the draft approved by the Sub-Commission.⁴

Finally, in 2005, the Commission on Human Rights completely ignored the draft standards adopted in 2003 by the Sub-Commission, and adopted a resolution inviting the Secretary-General of the UN to designate a special rapporteur to address the issue of TNLs, for which he suggested a mandate based on the Global Compact. In adopting that resolution, practically unanimously, the Member States of the Commission, including those with so-called "progressive" governments, yielded to the pressures of transnational corporations, clearly formulated in their document. Only the United States and Australia voted against it, arguing that the Commission should not be concerned in any way with transnational corporations. And so that no one would think that the draft of the Sub-Commission could be invoked as a current international norm, the Commission on Human Rights made it clear in the last paragraph of its resolution that the draft "... being a draft proposal, lacks authority and that the Sub-Commission should not exercise any oversight function in this regard." In this way, 15 years of efforts that begun in 1990 were buried.

In July 2005, the then Secretary-General of the United Nations, Kofi Annan completed the regressive work of the Commission on Human Rights in this area by appointing John Ruggie as special representative to study the issue of transnational corporations. He was his senior adviser to the Global Compact, a conglomeration of large transnational corporations, many of them characterised by repeated acts of corruption and human rights violations, created by the initiative of the Secretary General of the UN in the year 2000 and that works with the same UN Secretariat. Suffice it to

³↔ American Association of Jurists, Europe-Third World Centre: "The activities of transnational corporations and the need for their legal framework." International and interdisciplinary seminar held in Celigny, Switzerland, 4 and 5 May 2001. 42 pages. Brochure published in Geneva in June 2001. Other publications on the same topic: AAJ-CETIM, Prevention and punishment of violations of economic, social and cultural rights and the right to development. The problem of impunity (Proceedings of the seminars held at the United Nations Headquarters in Geneva in November 1996 and at the Universidad Carlos III de Madrid in April 1997), 145 pages; Transnational Corporations and Human Rights. Case studies. 176 pages. Year 2000; Will the United Nations enforce international human rights standards? 40 pages. July 2002; Proposed amendments to the Draft Standards on the Responsibility on Human Rights of Transnational Corporations and Other Business Enterprises of the Working Group on Transnational Corporations. 28 pages. July 2003.

⁴↔ International Chamber of Commerce, Organisation Internationale des Employers, *Joint views of the IOE and ICC on the draft "Norms on the responsibilities of transnational corporations and other business enterprises with regard to human rights"*. www.iccwbo.org. Véase también Corporate Europe Observatory (CEO), *Shell Leads International Business Campaign Against UN Human Rights Norms*. CEO Info Brief, March 2004

read Mr. Koffi Annan's report of 1998, where he announced the creation of the Global Compact, significantly entitled "Entrepreneurship and privatisation as a means of promoting economic growth and sustainable development" (A / 52/428), and speeches of John Ruggie, to perceive an ideology at the service of the dominant transnational economic power in that area. And, to be sure, an ideology against imposing rules of mandatory compliance to transnational corporations.

Ruggie's Final Report for 2011 included a Draft Guiding Principles on Business and Human Rights. In paragraph 2 of the Introduction to the final report of 2011, Ruggie reiterates what he advanced in 2006 in his first report: companies cannot be forced to respect international human rights standards. According to Ruggie, human rights would constitute a special category of rights that can only be violated by States and their officials and not by private individuals, save for certain war crimes and crimes against humanity. With this approach, Ruggie diligently complied with what was demanded by transnational corporations: no binding international standards for large companies.

In June 2011, the United Nations Human Rights Council unanimously approved the Principles developed by Ruggie, thus subjecting itself to the will of transnational economic power. In March 2012, Ruggie received a fair reward for his hard work in favour of transnational economic power: mining company Barrick Gold, with a tremendous curriculum on human rights violations, made him a member of its Board of Advisors on Social Responsibility Business.; with Corporate Social Responsibility being the battle horse of a few "politically correct" non-governmental organisations. A corporate responsibility that consists, as Milton Friedman said "... in increasing its profits" ("The social responsibility of business is to increase its profits").

A similar case of an international official rewarded at the end of his term with a position, among many others, in a private company, occurred in the European Commission. Its outgoing President, Durão Barroso, was hired by Goldman Sachs. As everyone knows or should know, the European Commission is a simple transmission belt of big European transnational corporations.⁵ The reverse situation occurs even more frequently: high leaders of large corporations catapulted to international public organisations. It is the system that has been called the "revolving doors". It also works regularly at the national level.

The long standing pro-business orientation of the UN Secretariat was highlighted once again in the Report of the Secretariat to the Human Rights Council at its September 2012 sessions. Its title: "Contribution of the United Nations system as a whole to the advancement of the business and human rights agenda and the dissemination and implementation of the Guiding Principles on Business and Human Rights (A/HRC/21/21). The entire Report refers to the Guiding Principles developed by Ruggie, in which paragraph 11 reiterates what is already known: that "the guiding principles do not create new legal obligations". In other words, they are VOLUNTARY. Like some other guidelines of other agencies mentioned in the same Report: the voluntary guidelines on responsible governance of land tenure, fisheries and forests in the context of national food security; The Revised Sustainability Framework of the International Finance Corporation; The Business Principles on the Protection of Children, developed by the Global Compact together with the United Nations Children's Fund (UNICEF) and Save the Children, based on the Guiding Principles, etc. Note that, in the latter case, the Convention on the Rights of the Child has not been taken as a basis.

The Report of the General Secretariat enshrines the practice (which begins to be extended, as mentioned above) of supplanting the mandatory norms of international law regarding fundamental human rights by Guiding Principles of VOLUNTARY APPLICATION and formalises the renunciation of the system of United Nations to legislate specifically on the subject for transnational corporations, despite the absolute necessity of doing so. Consistently, the entire Report refers to the Guiding Principles and does not mention once and for all the basic legal instruments of international human rights law: the Universal Declaration of Human Rights, the Charter of the United Nations and the International Covenants on Human Rights. According to the Report, one of the main mechanisms for promoting the Guiding Principles is the aforementioned Global Compact.

⁵↪A forum of the 50 employers of the most powerful European transnationals working under the name European Round Table of Industrialists (ERT). See paragraph: Las sociedades transnacionales y la Unión Europea of my book "La Armadura del capitalismo. El poder de las sociedades transnacionales en el mundo contemporáneo." Editorial Icaria, España, January 2010. pages 220 to 227.

In July 2011, the Human Rights Council, by resolution 17/4, established the Working Group on Human Rights and Transnational Corporations and Other Businesses, with the mandate to promote the Guiding Principles developed by Ruggie and adopted by the Council that same year. Such a group is not expected to receive complaints (i.e. monitoring and control mechanisms are excluded as they exist in other Working Groups) or to eventually undertake mandatory normative codification tasks. Among the activities developed by this Working Group, it visited Mexico in September 2016, a country where human rights violations reach appalling magnitudes. Given that the Working Group has no mandate to exercise vigilance and control functions and is not authorised to receive complaints, its visit to Mexico is totally innocuous and useless and serves rather to preserve the impunity of Mexican political and economic elites.

4. At the subregional level, Decision 24 of the Cartagena Agreement Commission⁶ of December 31, 1970, on the common treatment regime for foreign capital and on trademarks, patents, licenses and royalties, had a very positive scope from the perspective of national and regional interest. But the orientation changed with subsequent decisions, until Decision 291 of 1991, which definitively marks the neoliberal turn.

5. The case of the French law of 2017 guillotined by the Constitutional Council. After four years of debate, the French Parliament passed in February 2017 a law called the duty of oversight of transnational corporations (loi No. 2017-399), technically vague, yet providing penalties for transgressing companies. Appealed by the parliamentary right, the Constitutional Council, always sensitive to the lobby entrepreneur, declared unconstitutional the part of the law that contemplated sanctions.⁷ The truth is that in 2017, four years after the Rana Plaza catastrophe in Bangladesh, there is clear evidence that large transnational corporations continue to enjoy complete impunity.

6. The ongoing attempt at the Human Rights Council. In September 2013, the delegation of Ecuador presented to the United Nations Human Rights Council a Joint Declaration supported by some 85 countries to generate a legally-binding instrument that establishes the responsibilities of transnational corporations in the field of human rights. This initiative was supported by some 150 organisations and social movements from different regions of the world (<http://www.treatymovement.com/statement>), which in 2014 developed an International Treaty of Peoples for the control of transnational corporations. (<http://omal.info/spip.php?article6438>). With regard to Ecuador's initiative, it is essential to know the background we have mentioned in order to anticipate and avoid the ploys that will inevitably be muscled in by governments and governmental and non-governmental organisations, so that the initiative is diluted, failed or results in a



⁶↪ Agreement between a group of Andean countries.

⁷↪ Observatoire des multinationales, Quand le Conseil constitutionnel se fait le gardien des intérêts des grandes entreprises. <http://multinationales.org/Quand-le-Conseil-constitutionnel-se-fait-le-gardien-des-interets-des-grandes> Interview exclusive de Bernard Thibault, La future loi sur le devoir de vigilance des multinationales. <http://cgt.fr/La-future-loi-sur-le-devoir-de.html>

new mockery: “change something so that everything remains the same”. And to have clear the main clauses that must inescapably contain a truly effective international treaty on transnational corporations.⁸

Ecuador's initiative was approved by a minority of member States of the Human Rights Council: 20 votes in favor out of 47. There were 14 votes against and 13 abstentions. Voting in favour: Algeria, Benin, Burkina Faso, China, Congo, Ivory Coast, Cuba, Ethiopia, India, Indonesia, Kazakhstan, Kenya, Morocco, Namibia, Pakistan, Philippines, Russian Federation, South Africa, Venezuela, Vietnam. Against: Austria, Czech Republic, Estonia, France, Germany, Ireland, Italy, Japan, Montenegro, Republic of Korea, Romania, Macedonia, United Kingdom of Great Britain and Northern Ireland, United States. Abstaining: Argentina, Botswana, Brazil, Chile, Costa Rica, Gabon, Kuwait, Maldives, Mexico, Peru, Saudi Arabia, Sierra Leone, United Arab Emirates. Voting against: the United States and all Western European States with representation on the Council. From Latin America, the "progressive" governments of Dilma Roussef and Cristina Kirchner, as well as Chile, Costa Rica, Mexico and Peru, abstained. And the Government of Ecuador, author of the initiative, was the subject of criticism in December 2016 by a United Nations Group of Experts on Human Rights, following the repressive measures taken by the Government against Ecological Action, an NGO that supports the indigenous Shuar who try to stop the mining activities in what they consider their lands. *It is ironic*, added the experts, *that the same government in Ecuador that is leading the positive international effort to make companies accountable*

⁸↔ In June 2014 we contributed to the work of NGOs in connection with this new attempt to legally frame TNLs with a 42-page document entitled *Algunas cuestiones a tener en cuenta para un proyecto de tratado de cumplimiento obligatorio para las sociedades transnacionales*. <http://www.argenpress.info/2014/06/algunas-cuestiones-tener-en-cuenta-para.html>; <https://business-humanrights.org/en/some-questions-to-have-in-account-for-a-tracking-from-the-compliance-to-translational-society>. It was also published in the CADTM electronic newsletter.

It must be absolutely clear that a draft Treaty must inevitably include, inter alia:

- 1) The recognition of the obligation of transnational corporations to respect international human rights standards (economic, social and cultural rights in particular) and their civil and criminal liability in the event of violations;
- 2) The solidary responsibility of the TNLs for the activities of its legal or de facto subsidiaries and their suppliers, subcontractors and licensees that violate human rights;
- 3) The civil and criminal liability of the directors of transnational corporations (managers, executive officers or of the Board of Directors) empowered to make decisions on behalf of the company;
- 4) The primacy of human rights and the public interest over particular economic interests on health, food (including drinking water), education and housing, preventing and blocking the formation of oligopolies and private monopolies in these spheres ;
- 5) The prohibition of patenting forms of life and establishing a right of preeminence of the public domain over inventions and fundamental discoveries for health;
- 6) The TNLs' obligation to pay their suppliers and subcontractors reasonable prices for their products and services so that they can pay decent wages to their employees and workers that guarantee them and their families an adequate standard of living and offer them good conditions while concurrently providing adequate profit margins. The royalties levied by the TNLs on the licensees must be kept within reasonable levels.
- 7) The prohibition of the formation of associations or of inter-company agreements, etc., between media companies and other sectors of industrial, commercial and financial activities, in order to guarantee freedom of expression and the right to objective and impartial information.
- 8) The prohibition for security personnel of TNLs, their suppliers, subcontractors and licensees to act outside the premises of the company for which they work;
- 9) The prohibition for TNLs, of their suppliers, subcontractors and licensees to use the armed forces or security forces of the State and to hire private militias;
- 10) TNLs must respect all international and national standards that prohibit discrimination and should apply positive discrimination, when it is provided for in the rules and / or regulations, etc.
- 11) Active and passive corruption must be severely sanctioned: conflict of interests in the public functions must be totally eradicated and the obligation to respect a prolonged period between the end of work in a public office and the provision of services for private companies must be established.

through a binding treaty is reducing the space for local groups to ask them to be accountable.⁹ The case of Ecuador is a paradigmatic case of the contradiction between the discourse and the facts that characterise the "progressive" or "left" populism.

Now the priorities are the denunciation and the fight against the Transatlantic Treaty or Transatlantic Association for Trade and the Investment (TTIP or TAFTA), that negotiate the European Union and the United States, as well as the CETA (commercial agreement signed by Canada and The European Union on October 30, 2016) and against the TISA (Trade in Services Agreement). If the ruling elites achieve their objective, the consequences will be extremely serious for the living and working conditions of the affected populations and will entail even greater subordination of national political and judicial institutions to the devastating strategies of transnational economic power. With the support of most political elites, transnational economic power is advancing in this area. Indeed, in February 2017 the European Parliament ratified the CETA (Comprehensive Economic and Trade Agreement), with the vote in favour from the conservatives, the majority of social democrats and liberals and the vote against it from the united left, greens and some social democrats. Despite this, the struggle must continue and continues.

III. The Role of Workers

Workers must play a decisive role in this struggle, which is a struggle against the capitalist system. For the main antagonism in the capitalist system is between the exploiters, the owners of capital in its various forms, and the manual and intellectual workers, the exploited ones, who produce the goods that constitute the material and immaterial heritage of humankind. Put another way: the two actors in the fundamental contradiction of the capitalist system that consists of the private ownership of the instruments and means of production and exchange on the one hand and social production on the other. The patrimony of mankind created by labour is increasingly unequally distributed and increasingly badly managed by those who remain with the greatest share; with dire consequences for the life, environmental, health, food, housing, educational and cultural conditions of the great majority.

Such catastrophic management of the patrimony of humankind cannot be attributed to the incompetence of those who administer it, but to the fact that they are guided by an unwavering rule for them: obtaining the maximum benefit in the least amount of time, whatever the consequences for humanity in the short, medium and long term. Thus, in addition to the main antagonism between workers and capitalists there are other antagonisms that pose to both, and to the vast majority of humanity, a problem that cannot be solved in any other way than by socialising the ownership and management of the instruments and means of production. In this way, the instruments and means of production are at the service of all humanity instead of being instruments of loss by remaining in the hands of a few. This implies that, along

⁹↪ GENEVA (30 December, 2016) - A group of United Nations human rights experts criticised the repressive measures of the Government of Ecuador to stifle civil society following the issuance of a closure order of an NGO that supports Environmental and indigenous rights. On December 18, Acción Ecológica called for a Peace and Truth Commission to explore attacks against indigenous and environmental rights. Two days later, the Ministry of the Environment initiated the dissolution process, giving the group 24 hours to respond and ten days to present defence tests. The measure against Ecological Action comes in the midst of a conflict with the indigenous Shuar who try to stop the mining activities in what they consider their lands. The defence group, which vocally supported indigenous protesters, is the latest in a series of government-affected organisations. The group of independent experts called on the Ecuadorian authorities to revoke the decision and reform the legislation it is using to dissolve the groups.

UN experts have already criticised the government for dissolving groups like Pachamama and the National Union of Educators, and also trying to close the NGO Fundamedios in the last three years. "It seems that the government of Ecuador is systematically dissolving organisations when they become too vocal or defy official orthodoxy," they said. "This strategy of stifling civil society has been implemented through two decrees - 16 and 739 - that give the authorities powers to unilaterally dissolve any type of organisation." "The direct consequences are the progressive silencing of any group that challenges or offers alternative ideas to the government and therefore reduces the visibility of the situation of the vulnerable and marginalised," they said. "It is ironic," added the experts, "that the same government in Ecuador that is leading the positive international effort to make companies accountable through a binding treaty is reducing the space for local groups to ask them to be accountable". "This latter measure again violates international human rights standards, including the legitimate exercise of freedom of association," the experts said. "It shows a systematic disregard for the repeated calls of the international community to put an end to repressive measures against human rights groups." "Dissolving groups is the most severe type of restriction on freedom of association," they stressed. Experts called on the government to ensure that all members of groups, particularly those who defend human rights, can fully exercise their rights to freedom of expression, association and peaceful assembly, including their ability to criticise government policies and practices. The Special Rapporteurs of the UN renewed an offer of technical assistance to the Ecuadorian Government to reform the existing restrictive legislation.

(*) The experts: Mr. Maina Kiai, Special Rapporteur on the right to freedom of peaceful assembly and association; Mr. David Kaye, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Mr. Michel Forst, Special Rapporteur on the situation of human rights defenders; Mr. John H. Knox, Special Rapporteur on the question of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment; and Ms. Victoria Lucia Tauli-Corpuz, Special Rapporteur on the rights of indigenous peoples.

with the workers, the social movements claiming different fundamental human rights (health, food, a healthy environment, education, decent housing, freedom of expression and information, a truly representative and participatory democracy, etc.) must take part in the struggle. And, to be sure, they must demand decent working conditions, a decent and equal wage for equal work for men and women as we have mentioned in the course of this writing.

The irreducible antagonism between capitalists and workers, a central feature of the capitalist system, is the objective ingredient of a consistent and unrelenting struggle of the latter. And of their eventual capacity to help the great majority to overcome their hesitations, their unstable and commuting and / or opportunists positions and to attract them to participate in a radical project of social transformation. Yet today the workers are in a position of weakness: Firstly, when negotiating their working conditions vis-a-vis the capitalists, due to what François Chesnais calls the "globalisation of the reserve industrial army".¹⁰ This has several aspects: the global dispersion of production towards the countries with lower wages, either by relocating the industrial plants themselves or by delegating production to local subcontractors or licensees; the threat of relocation of the company from its original headquarters if workers do not accept the conditions imposed by the employer; the hiring of lesser paid foreign workers (the so-called displaced workers, institutionalised by the European Union, with the intervention of the European Council, Parliament and Commission) and the imposition of bargaining on a company by company basis instead of bargaining by branch or by union; and, additionally, the precarious contracts, the so-called "labour flexibility", part-time work and the inequality of wages between men and women for the same work.¹¹

In addition, an unvarnished and uncomplaining examination of the facts leads one to the conclusion that most workers are not currently ideologically trained (weak class consciousness) to play their leading role in popular struggles. This lack of class consciousness is due, on the one hand, to the conditions created by capitalism itself. This left a political-ideological vacuum that until now remains almost totally empty. Otherwise, it is occupied by different variants of populism, right and "left" or "progressive" which, in their discourses and political practices, conceal the essentially ominous character of the capitalist system and the urgent need to overcome it with the decisive force of the class struggle. There is also the aggravating fact that right-wing populism, using the competition among workers created by globalised capitalism,¹² promotes division and war between national and foreign workers, the color of their skin, their religion, and so on.

Capitalism itself contributed to the progressive weakening of class consciousness with Taylorism or "scientific organisation of work" and its application in practice, Fordism, which was based on the idea of making the worker a mechanism in the assembly line: the worker, instead of moving to perform his task remains in place and the task reaches him in the assembly line. The speed of the latter inevitably imposes on the worker the pace of work. The first to apply it

¹⁰ ↪ Chesnais, La lucha de clases en Europa y las raíces de la crisis económica mundial. <http://www.herramienta.com.ar/revista-herramienta-n-49/la-lucha-de-clases-en-europa-y-las-raices-de-la-crisis-economica-mundial>

¹¹ ↪ Teitelbaum, Capitalism sucks our blood and kills us. <http://jussemper.org/Resources/Economic%20Data/Resources/TeitelbaumCapitalismSucksOurBlood.pdf>

¹² ↪ The French economist François Chesnais in the preface to Claude Pottier's book "Les multinationales et la mise en concurrence des salariés" writes: "Industrial groups multiply the technological and organisational experiences that allow them to obtain high productivity levels in NECs. (new emerging countries) and Eastern Europe. These are not exactly the same as in the countries of origin, but are much higher than before and constantly increase "... they seek to take advantage of the extraordinarily favourable situation offered by this "miraculous" convergence between increased productivity and the maintenance of very marked disparities in wages, working conditions (safety and hygiene) and levels of social protection "... The so-called "developing" countries have always represented for enterprises in the industrial countries at the center of the world's capitalist system a reserve of labour with which they can count according to their needs, at the pace and scale that suits them. During the (1950-1975) phase of rapid growth of self-centred and Fordist economies, it was necessary to "import" that labour, to organise migratory flows into the industrial metropolis. It was already a way of establishing competition among wage-earners, but with strict limits. Internal political and social relations prevented immigrants from being completely excluded from social protection systems. Apart from construction, the safety standards were the same for all workers. To defend the wages of the most skilled workers, trade unions were obliged, even if they were not really interested, to defend the wages of unskilled migrant workers. The new configuration of competition among workers is completely different. The companies go to the reserve army of workers to exploit them "in situ", where they live. They take advantage of political discipline, of local competition among workers, and of the low cost conditions of reproduction of the labour force in the countries of implementation. The convergence of productivity levels allows companies to internationalise competition between workers, taking as reference the lowest levels of wages and social protection. At the same time the needs of immigrant labour are reduced. The implications of this process are only beginning to be discussed and analysed. As long as this does not begin to take place, it will be difficult to say beyond the global macroeconomic analysis of the dead ends behind this accumulation scheme, how wage earners in industrialised countries, their unions, and parties should want to defend the interests of the exploited wherever they are." This paragraph of Chesnais allows a better understanding of the negative role of transnational corporations, which gives rise to social problems for which correct and coherent answers have yet to be formulated. (From Teitelbaum's book *The Armour of Capitalism, The Power of Transnational Societies in the Contemporary World*. Icaria, 2010, pp. 95-96).

in practice was Henry Ford, at the beginning of the twentieth century, for the manufacture of the famous Ford T. This work crippled exhausted workers, many of whom chose to leave. Faced with a very high turn-over rate for highly-qualified staff, Ford found the solution: to raise salaries vertically at \$5 a day, which he could do without diminishing benefits given the tremendous increase in productivity and the steep decline in the cost of production that resulted from the introduction of chain work. New wages at Ford factories allowed their workers to become consumers, including the cars they made.

Workers who did not feel at all interested in repetitive work that left no room for any initiative on their part, recovered their human condition (or believed to recover it) as consumers, thanks to the relatively high salaries they received. This situation became widespread in the most industrialised countries, especially after the Second World War and in a very circumscribed and temporary way in some peripheral countries. It is what was called "the welfare state".

"The welfare state is not, as is often said, a state that fills the gaps of the capitalist system or which heals by means of social benefits the wounds inflicted by the system. The welfare state establishes as its imperative to maintain a growth rate, whatever it may be, whenever it is positive and distribute compensation in a way to always ensure a counterweight to the wage relationship.¹³ It is therefore true that the "welfare state" profoundly influenced the consciousness of the workers.

[Workers] "... ended up accepting the wage relationship and the resulting division of labour. Contrary to what revolutionary Marxism expected, they failed to question the capitalist paradigm, contenting themselves with the more modest ambition to improve its condition within the system. It also meant that their hope for freedom and personal fulfilment lay in their role as consumers. Their main objective was to increase their wages to be able to consume more."¹⁴

The welfare state ended more or less abruptly with the fall of the rate of capitalist profit and the consequent fall of real wages. To give a new impetus to the capitalist economy and reverse the declining trend of the rate of profit, the application of new technology (robotics, electronics, computer science) to industry and services became widespread.¹⁵ So the new technology, the "scientific" organisation of work and the consequent increase in the intensity of labour, while maintaining the same working hours, increases capitalist profit as relative surplus value (less labour needed and more surplus labour). And if the working day increases, so does the capitalist profit (absolute surplus value as the capitalist obtains during the normal working day), although the same ratio of necessary labour to surplus labour is maintained. See Marx, Capital, Book I, section 5, Chap. XIV (Absolute surplus value and relative surplus value). The introduction of new technologies required another form of worker participation in production, which could no longer be reduced to that of a mere automata. The system of exploitation had to be modified and perfected, since new techniques, including computer technology, required different levels of training and knowledge, which led to the blurring of the boundaries between manual and intellectual work.

This is how "management" is born in its different variants, all of which are essentially aimed at allowing employees to participate –along with the bosses– in a common effort for the well-being of all. This does not imply the disappearance of Fordism, which is still valid for tasks that do not require qualification and subsists essentially in the new conception of the company: the control of personnel –one of the cornerstones of capitalist exploitation– that is physically realised in the the Fordist chain of production, continues -explained- in the post-Fordist era by other means. "Thanks to computer

¹³ ↪ Dominique Meda, Le travail, une valeur en voie de disparition. Ed. Aubier, Paris, 1995, page 135.

¹⁴ ↪ Lars Svendsen, Le travail. Gagner sa vie, à quel prix? Editions Autrement, Paris, setiembre 2013, pág. 140.

¹⁵ ↪ "... Throughout the history of capitalism, from the great industrial revolution of the late eighteenth century to the present day, the economic system has been developed by successive movements of investments and technological innovations. These movements seem mainly related to the difficulties inherent in the process of accumulation of capital: at a given moment this process is blocked and everything is questioned: regulation, wages, productivity. Technological innovation is a way out of the crisis, but it does not come alone: it directly affects, at times the level of employment, always the organisation of work and the control exerted by workers on their craft and on their instruments of work and by their organisations on the level of wages, on discipline at work and occupational safety ... ". Alfred Dubuc, Quelle nouvelle révolution industrielle? In: Le plein emploi à l'aube de la nouvelle révolution industrielle. Publication of the Industrial Relations School of the University of Montreal, 1982. <https://papyrus.bib.oneontario.ca/jspui/handle/1866/1772>

technology" –writes Lars Svendsen– "management can monitor what their employees do in the course of the day and what their performance is."¹⁶

The new "management" points to the psychology of human resources. Staff managers (or Human Resource Directors) wonder about "creativity" and "team spirit," "personal fulfilment by work," that work can –and should be entertaining, ("Work is fun") etc. And manuals are published on the same topics. Even "funsultants" or "funcilicators" are contracted to introduce into the minds of workers the idea that work is entertaining, that it is like a game ("gamification").¹⁷ If employees are asked if they are satisfied with their work, many will answer that yes, if they did not work their life would be meaningless. And this is true even for those who perform the simplest tasks. In the Fordist chain the company takes over the body of the worker, with the new "management" seizes his spirit.

"The motivations and objectives of the employee and the organisation are presumed to be in perfect harmony: The new" management "penetrates the soul of each employee. Instead of imposing discipline on him from the outside, it motivates him from the inside" (Svendsen).

"Material exploitation must be hidden behind non-material exploitation and the consensus of individuals must be obtained by new means. The accumulation of political power serves as a screen for the accumulation of wealth. It no longer only seizes the ability to work, but the ability to judge and pronounce. The exploitation is not suppressed, but the consciousness of the same."¹⁸

"Management" means that the "white collar" worker, who is –or tends to be– a majority in the most industrialised countries, focuses his life as a person in the company and fills his "free" time outside of it –driven by fashion and publicity– as a consumer of necessary and unnecessary objects¹⁹ and of different types of alienating entertainments, as spectator of marketed sports, television series, as an addict to electronic games (a true contemporary scourge), etc., to the extent that he is allowed to enjoy his actual income and the credits he can get (which, in times of crisis, he cannot repay). In other words, the capitalist system in its present state tries to overcome its insoluble contradictions, inherent in the appropriation by the owners of the instruments and means of production and of exchange, of much of the social human labour (surplus value) by seizing the greater part of the growing social free time (unequal distribution of social free time gained with increased productivity) to "put surplus labour," as Marx writes in the Fundamental Elements for the Critique of Political Economy (Grundrisse), and seizing as well the scarce personal leisure time left to those who work, commodifying it as an object of consumption. So it can be said that the wage-slavery of capitalism, which could be understood as limited only to the working day, now extends to THE ENTIRE DAY of the lives of wage-earners. Somehow, the difference between slavery as a system prevailing in antiquity (the slave in the service of the permanent master) and modern wage slavery has disappeared.

¹⁶↪ A detailed study of the organisation of work in companies that have incorporated robotics can be found in Benjamin Coriat, *L'atelier et le robot. Essai sur le fordisme et la production de masse à l'âge de l'électronique*. Editions Christian Bourgois, France. 1990. On the same theme: by Michel Freyssenet, *Labour, automation and production models*. Editorial Group Lumen, Argentina 2002.

¹⁷↪ See <http://www.changeisfun.com/about/leslie.html> for the copy biography and bibliography of Leslie Yerkes, President of Catalyst. Her biography begins: "Leslie's specialty is helping organizations turn challenges into opportunities. Their philosophy is simple: People are basically good, well-meaning, brave and able to learn, and Leslie's job is to provide a framework in which people can draw on their own internal resources to find creative solutions."

¹⁸↪ Hans Magnus Enzensberger, *Culture ou mise en condition?* Collection 10/18, Paris 1973, págs. 18-19.

¹⁹↪ It is the so-called demonstration or imitation effect, which was formulated by James Stembler Duesenberry at the economic level, which refers to the tendency of members of a social group to imitate the consumption behaviours of the higher income layer of the same group or of the next higher layer to try to identify with the latter (Duesenberry, James, *Income, Saving and the Theory of Consumption Behaviour*, Harvard University Press, 1949). Fashion and brands promote that effect. On a more general level, it is also called a demonstration or imitation effect on the fact that the popular classes (at least a good part of them) tend to imitate the ways of thinking and the behaviours of the ruling elites. Even in a few cases, they try to copy the delinquent behaviours of the elites (everyone steals, too), with the belief that, like them, they will benefit from impunity.

The action of capitalism to weaken the workers' class consciousness was not counteracted by the traditional left (social-democratic and communist parties), who went with arms and baggage to a lukewarm reformism, if not to a frank pro-system, abandoning every revolutionary proposal.²⁰ The frustrating spectacle of the inability of the left –or the so-called left– throughout the world to promote among the popular masses an alternative of radical transformation to the current system in order to make them assume this alternative and be the protagonists of change, raises the question of the extent to which some variants of the cultures and ideas of the dominant classes contaminate the left, which would explain, at least in part, their chronic impotence. When we say left we are referring to the traditional left generally represented by the communist parties, those who still survive in a process of slow agony after decades and that, with exceptions, have turned to a frank reformism and also to the different variants of the so-called "critical left" ("neos" something else). This left tries to conceal its impotence by uncritically supporting and praising some "progressive" governments of Latin America, trying to gain benefits from an event that could have been transcendental but that unfortunately was not, such as the Tsipras-Siriza Government in Greece; or case the attempt to attribute almost magical virtues to a minor fact, such as the emergence of a new leader in a political party.



²⁰ ↪ One of the consequences of a rightward shift of the traditional left and of the recovery of part of its electorate induced by a "left" populism, has been the virtual disappearance of the workers in parliamentary representations. Moreover, in the last decades the share of workers' representation has dropped until becoming virtually null. The highest share corresponded in some countries to the periods when the communist parties had a large parliamentary representation, which included many workers, and where social democratic parties had a relatively high proportion of workers in their ranks, which was partially reflected in their parliamentary representation. Now the communist parties are reduced to the minimum expression, and the divorce between the social-democratic parties and the working classes has materialised. For example in France, in the first postwar National Assembly, where the Communist party had 150 members out of 522, the workers and employees represented 18,8% of members, the highest rate since the creation of the National Assembly in 1871. As early as 1958, that rate had fallen to 4 percent, in 1967 it rose to 9 percent, and in 2012 it was 2 percent, whereas in French society the workers and employees constitute almost 50% of the active population. Around 80% of the French MPs who entered Parliament in 2007 and 2012 came from the higher echelons of the population (industrialists, heads of companies, liberal professions, senior staff, etc.) categories that constitute between 13% and 14% of the population. In the European Parliament out of a total of 766 MPs, 0,4% are workers and 1,4% are employed (<http://geopolis.francetvinfo.fr/qui-sont-les-766-deputes-europeens-26227>). In Argentina, the highest share of workers' presence in the Chamber of Deputies was reached in 1973 with 6,7% and in 2010 it was 1% (<http://www.icsa.cl/images/papers/decimo.pdf>). A statistical table, taken from surveys conducted by the Research Institute of the parliamentary elites of the University of Salamanca, provides the following data on the percentage of workers' or craftsmen's deputies in some Iberian American countries: Argentina 2,2%; Bolivia 11,2; Chile 4,6; Uruguay 8,3 and Brazil 0,8%.

In Spain, 95% of the deputies elected in the elections of December 20, 2015 have a university level (Popular Party 99%, PSOE 96%, Podemos 88%, Ciudadanos 93% and others reach 100%). Information published in *El País* (Spain), p. 19, on 27/12/2015. It can be said then that the representation rate of the socio-economic layers in the parliaments is inverted in relation to social reality. In other words, the richer and less numerous social strata are overrepresented and the more modest and numerous are underrepresented. Thus, for the practice of the parliamentary function, there is a process of selective and class recruitment that passes through the political instances (both right and left) and by the economically stronger corporate groups.

In mid January 2016, when the sessions of the Spanish Parliament were inaugurated, the deputies of Podemos –like those of other parties, who are very much of bourgeois extraction– presented themselves dressed in "negligés", arousing many comments in the media. This episode elicited a commentary from Iñigo Errejón, a senior leader of Podemos, that "the parliament we saw yesterday is more like Spain and this is good news for Spanish democracy." A classic populist interpretation of democracy.

These currents are now more discreet vis-a-vis Podemos, with its populist ideology,²¹ the "caudillismo", –the authoritarian inclinations– of its leadership and its ambiguous and opportunistic political strategies. The relinquishment of "class struggle", the lack of anti-capitalist objectives, and the *caudillismo* tendencies that characterize leftist populism are not exclusive to Podemos and the so-called progressive governments that remain in Latin America. Mélenchon, in the recent French elections, despite his attractive rhetoric, has clearly shown that he suffers from these three structural flaws generated by populist "left" ideas.

The "left" populism inspires the action of the self-appointed lefts in many parts of the world. It is an ideology that has its roots in different ideological and cultural expressions, among them in Foucault who speaks of a disciplining and repressive power that is exercised in prisons, in hospitals, psychiatric or not, in schools, in factories, the prisoners, the students, the schizophrenics, paranoids, manic depressives, etc. or cataloged as such, and on the workers. Foucault makes no distinction between these different types of "disciplining powers" and that which is exercised over employees in an enterprise. Which leads him to ignore capitalist exploitation and class struggle. His followers argue that in response to these powers the answer is "transgression." That may consist of practicing sex in public in a Faculty of Sociology (happened in Buenos Aires) or urinating in the street (Águeda Bañón, director of communication of the Barcelona City Council <https://www.dolcatalunya.com/2015/06/vean-a-agueda-banon-nueva-directora-de-comunicacion-del-ayuntamiento-de-barcelona/>).



²¹ ↪ Podemos can appear to be identified or inspired (as much of the "progressive" Latin American governments) by "progressive" or "leftist" populist theorists, such as the recently deceased Argentine Ernesto Laclau and his wife Chantal Mouffe. Corroborating this ideological affinity, Iñigo Errejón de Podemos and Ch. Mouffe co-wrote, in early 2016, a book with the title *Construir Pueblo* (To build people). Errejón said in October of 2015 (in dialogue with Mouffe on Argentinian public TV) that the reading of the populist reason of Laclau profoundly changed his way of thinking and moved away from traditional Marxism (minutes five and six of the video <https://www.youtube.com/watch?v=h7DxE3wVrAU>).

For an analysis of "left" populism and its points of contact with right-wing populism, we recommend reading a short work by Marcos Cynowiec: On the subject of Laclau's populism, published in Argenpress in 2012 (<http://www.argenpress.info/2012/09/aproposito-del-populismo-de-laclau.html>). An excerpt from Cynowiec's article: "Ernesto Laclau's book" Populist Reason "is a clear example of how a political mythology is built. If what we find frequently in the field of political thought are descriptions of the various forms in which the exercise of social and political power is shaped, as well as the struggle to conquer and maintain it, including the populist phenomenon, for Laclau not only it's a description, certainly abstruse, but a vindication of that form of political construction.

... It is evident that Laclau does not distinguish, or does not want to distinguish, between rebellion and revolution, between what was a windstorm that shook humanity with the dream of building a society free from the exploitation of man by man, where wealth would flow as a spring, giving each according to his ability and receiving each according to his need, and a populism ready and served *pour epater le bourgeois*. ... In this context, Laclau's populism would in fact be nothing more than a poor attempt to imagine a liberating epic, a development of the national and popular movement within the capitalist system, without attempting to transcend it."

Foucault considers that adjusting to a method for analysing the facts is also part of the "disciplining power". Faithful to this idea, Foucault incurred an "expository chaos" consistent with his idea of freedom, which must consist of liberating thought from all ties, including those imposed by methodical and rational thought based on the rigorous analysis of acts. But to carry it out in practice Foucault fell into a contradiction: in presenting he does not explain, does not demonstrate or prove his claims. So all his argumentation, besides being arbitrary, is based on the principle of authority: it is so because I say so. It is what he did, wandering freely and affirming successively one thing and the opposite. It is the method employed by many progressive "political scientists" and "opinionists". In this regard, one can read the introduction to my book: *El papel desempeñado por las ideas y culturas dominantes en la preservación del orden vigente* (The Role Played by Dominant Ideas and Cultures in the Preservation of the Existing Order), Editorial Dunken, Buenos Aires, p. 56-91, where I conclude that "Foucault's ideas –changing, confusing and cryptic– lead us to a dead end vis-à-vis the dominant system."

Another source of inspiration for the leftist populists who are referred to regularly are the new Keynesian economists, such as Stiglitz and Krugman, among others, whom we have dealt with in Chapter II titled The Economic Theories of the Existing Capitalist Order of the Aforementioned book. We also refer to Foucault and the economists in Inside Capitalism, Part Two (http://jussemper.org/Resources/Economic%20Data/Resources/ATeitelbaum_Inside_capitalism.pdf). So it can be concluded that the struggle to dismantle the power of transnational corporations is difficult and complex, it demands the exclusion of a naive optimism that can disorient public opinion and needs to be clearly framed in the objective of abolishing the capitalist system. And whose main protagonist, for the reasons that have been given, must be the working class of each country and constituted in a unique international front.

«Neither in gods nor kings nor tribunes is the supreme savior. Let us make the redemptive effort ourselves»

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❖ **About Jus Semper:** The Living Wages North and South Initiative ([TLWNSI](#)) constitutes the sole program of The Jus Semper Global Alliance (TJSGA). TLWNSI is a long-term program developed to contribute to social justice in the world by achieving fair labour endowments for the workers of all the countries immersed in the global market system. It is applied through its program of Corporate Social Responsibility (CSR) and it focuses on gradual wage equalisation, for real democracy, the rule of law and living wages are the three fundamental elements in a community's quest for social justice.

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