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# The Spectre

The Newspaper of the Observatorio Internacional Contra las Políticas de las Multinacionales

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## *The Spectre*

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### **ABOUT THIS PUBLICATION**

This new publication is one expression of the ongoing work now being undertaken following the '*Latin American, Australian & Asia-Pacific Solidarity Gathering*' that took place in Melbourne and Sydney in November 2010 (Please see our Declaration and Commitments to Actions printed alongside for further details).

Under the constant violence, exploitation and marginalisation imposed by global capitalism, we see building effective means of communication and the production of our own media as one effective means of struggle. We aim to make our voices heard; to share our stories of struggle; to build international solidarity; to support all those under attack, underpaid, underfed and fed up with the systemic violence inherent in our everyday lives; and to work collaboratively towards achieving our goals of building free, dignified and just social relationships.

We welcome you to assist us in our endeavour.

# **Declaration of the People's Solidarity Gathering & Commitments to Actions**

*By Observatorio Internacional Contra las Políticas de las Multinacionales*

The following are the declarations of the delegation of Latin American, Asia-Pacific & Australian representatives, comprising of representatives from SINALTRAINAL (Colombia's National Union of Food Industry Workers), SINTRACARBON (Colombia's Mining Union), MST (Brazil's Landless Workers' Movement), Cordillera People's Alliance (Philippines), LASNET (Latin American Solidarity Network), Bougainville, Mt Nancy Town Camp, FETRAMIN (Chile's Mine Workers' Federation) & Wayuu (Indigenous communities from Colombia) and Afro-Colombian communities, who participated in the *Latin American, Australian & Asia-Pacific Solidarity Gathering* on 12-14 November and 26-27 November 2010 in Melbourne and Sydney respectively. This declaration has been taken back to the aforementioned organisations, and subsequently ratified by them.

The gathering and solidarity activities consolidate LASNET's solidarity commitment with grass roots social and political movements in struggles and resistance throughout Latin America, from the Bravo River to the Patagonia.

### **Firstly, we declare:**

The behaviour of Multinational Corporations, as the vanguard of global capital, creates nothing but misery and devastation in our communities, and to our environment. With shared practises, and

with support from our various Nation States, these corporations are dispossessing and impoverishing our peoples with global policies of exploitation, casualisation, attacks on unions, displacement of aboriginal communities, intervention in indigenous affairs, attacks on food sovereignty with transgenic seeds and the use of toxics on food plantations. To face this onslaught, we need to globalise our resistance and struggles. Through working across our social movements, Indigenous peoples and trade unions, we must unite and implement grassroots international models of resistance, struggle and solidarity.

**Secondly, we declare:**

To achieve this objective, we have decided to create the *International Co-ordination Against Multinational Policies (International Multinational Monitor / Observatorio Internacional Contra las Políticas de las Multinacionales)*. This Co-ordination aims to raise awareness, to monitor and denounce the behaviour of multinational corporations, initially in the areas of Latin America and the Asia-Pacific. Also, the Co-ordination will seek out other bodies involved in working against multinationals, both in Australia and overseas. Until August 2011, this body will be co-ordinated from Australia, by LASNET.

The main tasks of the Co-ordination are:

- Compiling an international calendar of events and actions denouncing the behaviour of multinational corporations:
  - March 8: International Day of Women in Struggle.
  - March 29: Young Fighter Day.
  - April 17: Struggle for Land Day.
  - April 24: International Day of Indigenous People.

- May 1: International Workers' Day.
- First week of May: International Solidarity Struggles in Philippines.
- June 1: International Day of Student Struggles.
- July 22: International Day Against Multinationals' Policies.
- August 10: Miners' International Day
- October 16: International Day of Struggles Against Multinationals and Food Sovereignty.
- November 5: Celebrating the Poor Peoples and Indigenous Struggles.
- December 10: International Human Rights Day.
- Establish a permanent network of alternative media and the sharing of media resources.
- To call for and organise an international day of action against multinational corporations for July 22, 2011.
- A monthly publication – *'The Spectre'*, edited in Australia by LASNET, to announce actions and events of workers and Indigenous organisations active in their struggles against multinationals and States. This will be sent to the participating countries and be published on the website of each organisation.
- To organise a grass root social movement gathering/conference in Valledupar, Colombia August 19-21, 2011 called *First Latin American & International Gathering "For People's Sovereignty, Against Multinational Corporations"*. - *Defending workers and indigenous rights-*
- To seek co-ordination from the organisations that supported the Gathering, and have already

expressed interest in the co-ordination. These include organisations from Venezuela, Ecuador, Argentina, Guatemala, El Salvador, Panama, Peru, New Zealand, the US & various European nations.

**Thirdly, we declare our support for the resolutions reached during the Melbourne Gathering, the main points of which include:**

- The campaign, initiated by SINALTRAINAL internationally and by LASNET in Australia, against Coca-Cola Company.
- To strengthen the Campaign- *'No to the Multinationals' War: For Sovereignty, Democracy, Peace and Wellbeing'* initiated by SINALTRAINAL and an important number of organisations around the world.
- Organising a delegation of Australia Indigenous representatives, trade unionists and activists to Colombia, from 12 to 31 August 2011, to coincide with the *First Latin American & International Gathering*.
- Work towards an exchange of MST members to come to Australia to study English.
- The campaign against the reopening of Rio Tinto's Paguna mine in Bougainville.
- The proposal to send a delegation from the Prescribed Areas Peoples' Alliance to the UNPFII in New York next year to denounce the NT intervention.

**Fourth, we declare that LASNET and Australian Trades Union attending the gathering commit to following up the meeting between BHP-Billiton representatives and Wilman Palmezano (Wayuu), Jaime Deluquez (SINTRACARBON) & CFMEU, FETRAMIN & LASNET representatives on**

**Monday, 29 November 2010; and to continue to demand the end the displacement and polluting of Wayuu communities, financial reparations for lands usurped, and the end to the inhuman working conditions endured by Cerrejón miners.**

**The organisations attending this meeting make the main objective to continue our resistance and struggles in order to achieve truth, justice and reparations for the crimes committed in Colombia which facilitated the plunder of natural resources; and that this situation never happen again in Colombia and in our world.**

**Fifth, we declare:**

That the policies implemented by multinational corporations in Latin America are different to those applied in developed countries. Within developing countries, we see the disregard for labour rights, the use of unusual local legislation to take national resources without limits, and a complete disregard for environmental issues running rampant. We believe that this situation must be the concern of the workers where multinationals have their headquarters. To stop the plunder and abuse of workers' rights by these companies in Latin America, because its probably the same policies will be applied in developed countries, retracting fundamental benefits and rights, and applying the same policies of sub-contraction and casualisation.

We deeply believe it is essential that workers in developed countries, like Australia, work together to face and stop the multinational policies; and to eliminate the workers' rights abuses and anti-union practices implemented in Latin America, in the Asia-Pacific region, and in poor countries by these multinationals; and also to prevent those policies being implemented in their countries. Any victory will be a victory for

the workers and poor people in Latin America; the solidarity between our struggles is essential and fundamental.

This declaration would like to extend a fraternal invitation to all groups and individuals interested in getting involved in this co-ordination and LASNET work.

Also this declaration thanks all unions, grass roots organisations and individuals who made possible the gathering in Melbourne and the solidarity activities in Sydney; to achieve this challenging adventure, to assist our confrontation with these multinational monsters destroying our community and environment.

*Only the struggle and organisation will make us free!*

*A lot of strength and move forward with our Global struggles!*

Australia, December 2010, Published January 2011

Written by Latin American Solidarity Network (LASNET),

Actively Supported by SINALTRAINAL, MST, FETRAMIN, CTC-Chile, SINTRACARBON, Cordillera People's Alliance (Philippines), Clive Porabou (Bounganville), Barbara Shaw (Mt Nancy Town, NT Australia), Wilman Palmezano (Wayuu and Afro-Colombian communities), Pueblo Libre (Chile), Melbourne Black (Australia), CFMEU (Australia), AMWU (Australia), LHMU (Australia), MADGE (Australia), Greek Democritus Workers League (Australia), El Quinto (Chile), Convergencia Estudiantil (Chile), Articulación Latinoamericana de Movimientos Sociales hacia el Alba de Chile, Inquietando Desde el Margen (Chile), Mapuche Communities in Conflict (Wallmapu/Chile), Movimiento Popular Regional, Fundación Sabana and others.

[www.latinlasnet.org](http://www.latinlasnet.org)

[solidaritygathering2010.wordpress.com](http://solidaritygathering2010.wordpress.com)

[www.latinamericansolidaritynetwork.org](http://www.latinamericansolidaritynetwork.org)

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## No Pardon, No Forgetting, Punishment for the Responsible.

*By National Executive Committee,  
SINALTRAINAL*

On the 24th of November 2010, the administration of the Coca-Cola bottler in Bucaramanga, Colombia, distributed a statement persuading workers to reject SINALTRAINAL's campaign, as workers had informed the company on Nov. 20, 2010 by placing a sign outside Bucaramanga plant, that the company had arbitrarily taken from us the dining area, violating the extra conventional act [collective bargaining agreement – ed.] and the right to information which is part of union freedom.

The administration of Coca Cola bottler, guided by its injustice and in retaliation, on November 24th called SINALTRAINAL's leaders Luis Eduardo Garcia, Alexander Rincón, and Domingo Floréz to the main office to warn them for their activities.

The call that Coca Cola administration makes against SINALTRAINAL's campaign coincide with letters containing death threats against us, which paramilitary groups have left at SINALTRAINAL's offices and the houses of several of our union leaders working at Coca Cola. These letters demanded that we stop the campaign against Coca Cola, or else

we are going to be assassinated.

We hold the administration of the Coca Cola bottlers responsible for whoever attempts a crime against the life, truthfulness, and reputation of SINALTRAINAL members and their families.

Coca Cola Multinational has not wanted to solve our reparations proposal which SINALTRAINAL presented to them in 2003, to diminish the damage caused to the victims. We will continue demanding truth, justice and reparations. We do not intend to leave with impunity those responsible for the murders of our comrades, the tortures, the imprisonments, the displacements, the crimes against life, the death threats, the burning of our union headquarters, the abduction attempts of our sons, the injustice of judicial penal process without charges and causes, the dismissals, the workers dead from workplace accidents, the environmental damage, including the destruction of wetlands and pollution.

Like we have denounced other times, when we are having collective negotiation with the company over a list of demands, there is an

increase in the aggression against Coca Cola workers who are SINALTRAINAL leaders, and this occasion has not been an exception: we have received various death threats, Coca Cola has called for the firing of various workers, it illegally withholds union rights, has sanctioned workers, rejects concessions, withholds the payment of salaries, including withholding bonuses and superannuation as established on the collective agreement. The company substitutes the Committee of Occupational Health with the so-called System of Administration of Occupational Health and Safety of FEMSA (Coca Cola Franchise in Colombia) SASSO. The company attempts to make the workers sign documents that violate laws for sick employees, with the aim of violating the San Salvador accord and the rights of the patient.

In the impunity strategy, the aggressor ends up to making believe everyone that they are the victims *and* the real victims end up becoming the aggressor.

*No pardon, no forgetting, punishment for the responsible.*

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## IPT Organise Inspections into Contractions of Codelco Chile's Andean Division

*By FETRAMIN.*

FETRAMIN called upon the IPT [this is like industrial relation commission -translator] of the Andes to investigate the contractors which provide services to Corporación Nacional del Cobre de Chile's (Codelco) [the National Copper Corporation of Chile -ed.] Andean Division in regard to the wrongful determination of the working day.

It supports this petition in how the companies do not take into account the time for changing clothes at work place cabins, as part of the working day, a specific situation that counts for time in multiple decisions of institution and judicial resolutions.

The result of the inspection by IPT was favourable to the workers. The IPT required the companies to pay six months of

extra hours, accumulated by the wrongful determination of the working day and the modification of the accounting of the working day, so as to include these times.

For his part, Cristián Vizcaya, president of AGEMA (Group of contractors) said in a meeting of the IPT in Codelco's offices how the companies would not be able to assume the increased costs which this process would signify and how they would change the working days to 6x1 (ordinary workdays) for which the workers would suffer; furthermore to propose the possibility of asking for a special labour law for mining.

The Union for the Integration of Codelco Direct Workers (not subcontractors) (SIIL) said before this last declaration how it will remain alert to the possibility that the companies request a

special labour law, which will happen in time, very possibly only favourable to the companies and not to workers, an opinion which FETRAMIN shares.

In respect to all of this, FETRAMIN hopes for the inspections take the normal course, otherwise we will call to stop work if the companies do not comply with the requirements of the IPT.

FETRAMIN declares that it is always open to dialogue, which is quietly demonstrated in the nearly six months which the conversations with Codelco-Andina (Andean) and the IPT have lasted, to discuss a resolution of this problem before asking for inspection and we hopes that Codelco and AGEMA fix this unusual situation, that workers of the Andean division are facing.

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## Formally Initiating Conversations Regarding the Collective Conflict at El Cerrejón Mine.

### *By SINTRACARBON Negotiating Commission*

In the day today, the 10th of December 2010, in the installations of the Complex Executive Centre I of the city of Barranquilla, in the second day of the direct contact phase, in the context of the Collective Conflict of Work between the National Union of the Workers of the Coal Industry (SINTRACARBON) and the company Cerrejón Coal Limited, owned in equal shares by the multinationals BHP Billiton, Anglo American, and Xstrata, the parties defined the beginnings of conversations during the process of collective negotiation, dividing the discussions into thematic sections, according to the clauses outlined in the list of demands.

In the session, the union and the boss set out their positions with respect to the method in which they can set the dialogue. It was decided, for example, regardless the discussion of thematic sections, it will not impede the discussion of any point of the demands list. SINTRACARBÓN, through its representatives at the negotiating table, was emphatic in declaring how all of the points set out have equal importance for the mass of workers.

The method for the discussion about the demands list having been determined, they established, as the structure of the discussion of the collective negotiation, seven parts, which were defined in the following way:

- Part 1: Labour Law points.
- Part 2: General System of Health and Social Security, Professional Risks, and Food.
- Part 3: Education & Training.
- Part 4: Transport, Housing, Recreation and Culture.
- Part 5: General business.
- Part 6: Salaries, basic coverage (like instalments on insurance) and Bonuses.
- Part 7: Terms and complaints

In the hours of the afternoon of the day today, the supporting part of our negotiating commission began itself, beginning with the first part, Labour Law points.

We are continuing to advise the workers to be prepared for struggle, to ratify that in this moment of the process, organisation and mobilisation will be the most important support for the negotiation table. We want the participation of each and every one of us. We know that support is important and in the first moments the workers have shown up not free of doubts, but each day of the process makes itself necessary to reinforce those elements which permit us to achieve an excellent Collective Agreement, which is the objective of all of the workers.

*Long live our just list of demands!  
Viva nuestro justo pliego de peticiones!*

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## The ABCC – Its Time For It to be Abolished.

*By Rita Mallia, Senior Legal Officer,  
Construction Forestry Mining and Energy  
Union (NSW Branch) Construction and  
General Division*

Since 2005, workers and unions in the building and construction industry have been targeted by special laws that treat them differently to every other worker and union in other industries. The Howard Government introduced the Building and Construction Improvement Act 2005, after a sustained politically motivated attack on the building and construction industry through the Cole Royal Commission and the Interim Building Industry Taskforce.

The changes to the law in the industry are part of an attack on building workers and their unions that has been waged since 2002.

### *The Cole Royal Commission*

It started in the building industry with the \$66 million dollar Cole Royal Commission into the building and construction industry.

The Union movement had already been under attack in the mining and maritime sectors.

The terms of reference were so skewed that there was almost an exclusive focus on industrial relations issues and trade union activity. The Royal Commission commenced with a premise that all union officials were law breakers and thugs. It was ‘good business’ pitted against ‘bad unions’. 91% of all the evidence presented was of an anti-worker or anti union character. It was very difficult for any of the Union witnesses to be heard about the problems experienced in the industry. The findings of the Royal Commission reflected this focus. Despite hundreds of findings of so-called ‘illegality’ and a secret ‘Volume 23’ that was suggested to have contained evidence of more serious



activity worthy of prosecution, none were ever undertaken,

### ***The Building Industry Taskforce & the ABCC***

As a result of Cole's recommendations, the Commonwealth Government established the Building Industry Taskforce, the predecessor of the Australian

Building and Construction Commissioner (the ABCC) and its inspectors.

It is undeniable that the attention of the Taskforce and now the ABCC is focused on the conduct of the building unions and their officials. Even the cases that have brought against employers involve union related issues such as the payment of strike pay or circumstances arising from the negotiation of union enterprise bargaining agreements.

### ***The Building Industry Improvement Act 2005 (the BCII Act)***

*The Building Industry Improvement Act* 2005 was reintroduced into Parliament in 2005 and given Royal Assent on 12 September 2005.

The legislation seeks to comprehensively control, in a very heavy handed way, the conduct of building industry participants particularly in relation to unlawful industrial action. A breach of the Act can result in large fines and damages and in some circumstances imprisonment.

The definition of what is a 'building industry participant', is broad and does not only capture builders, subcontractors and their employees and unions and employer representatives, but potentially anyone that does business with anyone who does 'building work'.

### ***The Cost***

The 2008 Budget papers showed that the Government allocated \$33,342,000 to the ongoing funding of the ABCC. This figure is more than **10 times** the amount given to the Australian Law Reform Commission, and in fact, is more than the total amount given to that body and Cancer Australia combined. The Australian Human Rights Commission only received about 60% of the funding of the ABCC in this budget. The head of the ABCC is paid over \$475,000 pa.

Since then, adding the latest amount the Government has decided to spend between 2007-2012, the exercise has cost more than an astonishing \$165.4 million.

### ***Coercive Powers***

The legislation is a direct attack on the human rights and civil liberties of building and construction workers. The ABCC is given extensive powers to compel the provision of information to the ABCC, including attending, at a time and place of the Commissioner's choosing, interrogation. If a person fails to give the required information the penalty is imprisonment for six months. None of the potential offences which the ABCC is charged with investigating carry this sort of penalty.

This is unprecedented in Australian industrial relations law. The ABCC is not investigating crimes but industrial issues which are characterised as civil, not criminal, in nature. There is no right to silence and no right not to incriminate either themselves or others if you are a 'building industry participant', the subject of investigation, or are considered to have information relating to an investigation under the BCII Act.

It puts individuals in the position where they will have to give up their mates or union or risk criminal conviction and gaol time. The ABCC's *Report on the Exercise of Compliance Powers* for the period 1 October 2005 to 31 March 2010 showed that 197 interrogations were conducted in this period. Of these, one hundred and thirty five were employees and ten were union officials. Only fifty examinees were management/employer representatives. Whilst according to the Report 74% of persons subjected to these coercive measures are employees or trade union representatives, the Report also makes it clear that these powers *'are generally not used on persons who are suspected to have contravened the law'*<sup>1</sup>. Only 55% of those examined have had legal representation. The recent case of Ark Tribe highlights that the ABCC is not to be trusted with these powers. Tribe was charged with failing to attend a compulsory interrogation in 2008. Ark had been working on a building site where workers had made numerous complaints about safety and taken action to have those safety issues addressed. By refusing to cooperate with the ABCC Tribe faced up to six months in jail.

Tribe's principled and courageous stand of refusing to be interrogated by the ABCC, in the face of a gaol sentence, was vindicated two years later in November 2010 when the Adelaide Magistrate Court, in throwing out the prosecution against Ark Tribe, found the ABCC acted outside its powers in requiring Ark to attend an interview and failed to carry out its functions in a lawful manner. The Court found that the summons issued to Ark was invalid. It was fundamentally acting illegally. There were a number of grounds, including the failure of the ABCC to fulfil its function of being satisfied that Ark could have provided information

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<sup>1</sup> Report on the Exercise of Compliance Powers by the ABCC 1 October 2005 to 31 March 2010.

germane to an investigation. This was a great result for Ark whose very liberty hung in the balance for two years. The ABCC has not expressed any regret about that!

### ***Industrial Action***

The BCII Act adopts a definition of unlawful industrial action that is extremely broad and includes not only action which has traditionally been considered industrial action, such as strikes, but also prohibits all action by workers, including protests or any type of industrial bans

Such an approach does not promote industrial harmony. What the legislation does is to set in stark opposition workers and their unions against employer and vice versa. The legislation empowers employers to take an aggressive approach to workers and union representatives, where in the past that was not the case. Employers feel empowered by the legislation and in using these laws to disempower their employees and to attack their unions. Some are taking an aggressive approach because they feel they can under the laws, supported by the State.

### ***Heavy Penalties Fines and Damages***

Breaches of the BCII Act also attract excessive monetary and other penalties of up to \$110,000, unlimited damages and injunctions.

Even where employers want to get on with things, the ABCC can pursue legal remedies and tie up employers, workers and the union in costly litigation.

### ***Prosecutions***

As at 8 July 2010 there were thirty-seven ABCC prosecutions before the courts. Of these thirty-six identified a trade union,

trade union official or an employee as respondents to the proceedings. Only one of the thirty-seven matters has been taken by the ABCC against an employer. This case involves the alleged obstruction of a union official who was seeking to lawfully exercise entry rights at a workplace to investigate a health and safety issue. This latter prosecution is the only prosecution that has been brought by the ABCC in almost five years where an employer has been prosecuted for breaches of a union, union official or union member's rights.

Apart from the ABCC's failure to ensure the enforcement of the basic legal entitlements of workers such as pay and working conditions, the ABCC has not prosecuted a single employer for breaching the freedom of association provisions and only one for sham sub-contracting. Both of these issues are notoriously problematic for workers in the construction industry.

The International Labour Organisation has condemned the laws six times as being in breach of Australia's international obligations.

In the meantime 50 workers a year are killed in the building and construction industry. These laws do nothing to support workers to demand safe work sites they are designed to intimidate them into submission.

The erosion of human rights, the empowering of bureaucrats and the use of millions of taxpayers' dollars to wage an ideological war on workers and union needs to be resisted.

*It is time for these laws and the ABCC to be relegated to the dustbin of industrial relations history.*

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## 17 Years of Struggles... Building Autonomous Communities... and Challenging Global Capital...

*Por Lucho Riquelme*

Chiapas...EZLN (Zapatista National Liberation Army) erupted on the morning of 1 January 1994, laying bare all the contradictions of Mexican, if not global, capitalism.

One of the last redoubts of Indigenous resistance against Spanish domination,

where more advanced culture flourished in pre-Hispanic America, with lush vegetation and unique biodiversity on the planet, Chiapas is also the place of the broader contempt against humans, and the worst violations of human dignity and culture of a people that keeps alive the memory of its former greatness and continues to update

### Campaign for Rights on Site

Australia's construction unions have joined together to campaign against the Building and Construction Industry laws and the ABCC, under the banner of Rights on Site. The campaign has raised awareness of the unfair treatment of construction workers in the wider community. Over 10,000 people have pledged their support for one law for all Australian workers.

Go to the [Rights on Site](http://www.rightsonsite.org.au) campaign website <http://www.rightsonsite.org.au> for the latest actions being taken and help abolish the ABCC.

the legacy of their community experience and the respect for human beings, despite the 500 years of occupation, insults and humiliations to which they were subjected.

The forgotten people, apparently oblivious to the national scene, awakened the nation on 1 January 1994 to prevent against the harmful effects of the forced entry into 'free trade' with North America and against the loss of their most valuable human and natural resources under the pretext of a supposed upgrade that does nothing to conceal the outlines of a new global system of a polarized and subordinate integration of Latin American peoples.

The struggle in Chiapas, by latterday Zapatistas, has captured the imagination of all freedom loving people worldwide. Quite uniquely for its time and origins, the EZLN commanders, such as Sub-Comandante Marcos, urged solidarity movements internationally, to use the high-tech media to highlight their plight. This facet of the struggle is very much in keeping with the popular Zapatista slogan: *Words are our weapons!*

### **The 1994 Uprising**

The EZLN existed in a more limited form since the early 1980's, but when they made their entrance onto the international stage on January 1st 1994, the largely unknown force of thousands of armed Zapatistas seized four separate territories in Southern Chiapas.

A peoples' war was declared on the corrupt Mexican PRI government, due to its callous implementation of the Neo-Liberal North American Free Trade Agreement. In co-ordination with the first day of the uprising the EZLN proclaimed both the new Revolutionary Laws and the Declaration of War. These were published simultaneously

in the New Year's Day publication of *El Despertador Mexicano* (The Mexican Awakener).

These Revolutionary Laws were much more than proposed legislation changes along bourgeois liberal-democratic lines. They were new social concepts, based on Libertarian Socialist lines, in the tradition of the late, great, Emiliano Zapata. These Revolutionary changes would benefit the poor, the landless peasants, the workers, women and of course, the Indigenous people of Mexico.

Included in the 1994 New years day proclamation of Zapatista Revolutionary Laws were the:

- Law of Rights & Obligations of People in Struggle.
- Urban Reform Law.
- Labour Law & Industry / Commercial Law.
- Women's Revolutionary Law.
- Law of Rights & Obligations of the Revolutionary Armed Forces.
- Social Security Law.
- Justice Law.
- Revolutionary Agrarian Law.
- War Tax Law.
- Instructions to Leaders & Officials of the EZLN.

The Mexican government at the behest of international capitalism and its Neo-Colonial bosses to the North, engaged in brutal counter-revolutionary repression in Chiapas, against the indigenous peoples. Mass demonstrations and protests were staged throughout Mexico in support of the EZLN and against government savagery.

A joint ceasefire was declared on the 12th January and following peace talks in February, the EZLN reject the Mexican governments proposals. In August, the EZLN held their National Democratic

Convention with more than 6,000 people in attendance at the first Aguascalientes. By December 1994, the EZLN had declared autonomy for 38 Indigenous municipalities.

Much has happened since the 1994 New Years Day Uprising, with the EZLN being outrageously attacked by the Mexican authorities time and time again, including reneging on peace accords.

Internationally, we should do what we can to help the current struggle of the Zapatistas!

*Enough is enough!*  
*Ya Basta !*

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## In Solidarity & Support For The EZLN, The Zapatista Communities, & The Other Campaign in Mexico

*Compas,*

*The news published on the first days of this year, full of lies about the compas, would suggest that this is going to be a difficult year.*

*We have written the letter below with the idea of collecting as many signatures as possible. As we believe the matter is urgent, we need to have the signatures on the 6th January, so that, on the morning of the 7th January, the text can be sent to all the 'news' media that each and every one of us can send it to, from wherever we may be. [Whilst this deadline has passed, we still desire your signatures and letters – Ed.] Of course, the first places we will send it to will be Enlace Zapatista and the Network against Repression.*

*Compas in Australia from LASNET will do an ongoing campaign as we are proposing to them, they are involved in a new international body against multinationals, that we should consider...*

On the 1st January, slanderous information about the alleged links between the EZLN and the kidnapping of the Mexican politician, Diego Fernandez De Cevallos, from the National Action Party (PAN), began to circulate. This information is based on a "communiqué" from a certain *Guerrero Balam* in which he says that he has given five pieces of evidence to support his claims, proving that the texts allegedly sent by the kidnappers use words also used in Zapatista communiqués. He also says that

Fernandez de Cevallos did everything in his power, which was great, to prevent the adoption of the *Ley Cocopa*, and thus the fulfilling of the San Andrés Accords.

*Guerrero Balam* also implicates the *Other Campaign*, and more directly the *Network against Repression and for Solidarity*, using the argument that searching for their name on the Internet reveals reports written in the same style.

This is not the first time that some media have tried to discredit the Zapatistas, perhaps with the intention of paving the way for an increase in counterinsurgency actions in the area, so it is not surprising that this alleged information has been treated with a lack of rigour or discretion.

However, although this is not the first attempt, like previous attempts this one is so crude that falls on its face. For example, in March 2010 the newspaper *Reforma* published a story, also based on information from another supposed Zapatista, which revealed the hidden face of Subcomandante Marcos. This proved in fact to be the face, which has never been hidden, of an Italian solidarity worker living in Chiapas.

That information came crashing down under its own weight. They are now trying a new attack in the hope that this time it will be used to enable a further escalation of attacks against the Zapatista communities, while at the same time they continue to criminalize and repress any form of protest, social struggle or non-conformity with the bad practices which are operated with impunity by the Mexican government, its institutions and henchmen.

From the brothers and sisters in solidarity in Europe and world, we wish to say to our Zapatista compañeros that their

dignified hard work, every day, dating back from even before the 1st of January, 1994, a day which enlightened us all, continues to encourage us in our lives and our common struggle, both here and there, in our different countries and in our work towards this new world we seek to build together. So they can certainly be sure that **THEY ARE NOT ALONE!**

Please pay special attention to what might happen in the coming days and weeks.

**NO TO LIES, MILITARISATION,  
PARAMILITARY ATTACKS, THE  
CRIMINALISATION OF SOCIAL  
MOVEMENTS, THE VIOLATION OF  
HUMAN RIGHTS, ENFORCED  
DISAPPEARANCES, PRISONERS OF  
CONSCIENCE, MURDERS, IMPUNITY,  
AND FINALLY TO THE TERRORISM OF  
THE MEXICAN STATE!**

**ENOUGH IS ENOUGH!**

**THE ZAPATISTA COMMUNITIES LIVE!  
THE EZLN LIVES!  
THE OTHER CAMPAIGN LIVES!**

The address for signatures is  
[cedoz@cedoz.org](mailto:cedoz@cedoz.org) cc: [lasnet@latinlasnet.org](mailto:lasnet@latinlasnet.org)



# Vanesa Queipul is Currently Under Arrest & Being Tortured By Police

*By the Territorial Mapuche Alliance*

Ercilla, Mapuche territory, January 4th, 2011.

At noon on Tuesday 4 January 2010, a young Mapuche woman, Vanesa Queipul Paillaleo, was arrested by police. Meanwhile, on the nearby public road adjacent to the Poluco forest farm claimed by the Ignacio Queipul community, a group of Mapuche youth, including Vanesa who was subsequently detained, were pursued and shot at by police.

At this time, the young woman, mother to a 2 year-old child, is being held prisoner at the police headquarters in Collipulli town and is being subjected to psychological torture and different constraints. It should be noted that up to this point there has not been any confrontation between the villagers and police, and according to reports from villagers, there is no justification for the shooting and subsequent detention.

[Editor's note: reports (via mapuexpress.net, accessed on Thursday, 6 January 2011) are that there is to be an increase of Special Forces personal in the area and the Collipulli Public Prosecutor has stated that Vanesa has been released, on the condition of monthly check ins to the Police.]

According to reports from the Werkén [position within Mapuche communities, roughly translating to 'messenger' -ed.] of Lof Temucuicui, Michael Carbone, these events '*occurred while young people were going to perform tasks in the productive sector and were caused directly by the police captain in charge of the area, well known for their arrogance and who is always attempting to generate serious situations with the Mapuche in order to justify repression*'. Along with condemning the facts, the Werkén noted that this information should be kept in mind for future situations of police violence. At this time, community members are travelling to the police station in Collipulli to try to initiate dialogue in order to achieve the release of this young Mapuche currently being imprisoned and tortured.

Further info at:  
[alianzaterritorialmapuche.blogspot.com](http://alianzaterritorialmapuche.blogspot.com) or  
[paimapuche.org](http://paimapuche.org)

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## Global Campaign Against SODEXO

*By SINALTRAINAL National Campaign Committee*

SODEXO is one of the companies with the most outsourcing contracts in the world, with 335,000 workers (14,000 of which are Colombian). In most of the companies using SODEXO the workers were directed directly by the companies with job security, union

rights, and the enjoyment of legal and conventional rights.

The evidence of legal violations of workers' legal and human rights on the part of SODEXO in Colombia, The Dominican Republic, Guinea, Morocco and the United States, shown in investigations by the

Transafrican Forum and other organisations are extremely disturbing.

Sodexo in Colombia employs workers on short-term contracts on low salaries without overtime pay, without complying with conforming to occupational health standards or industrial security, and without giving workers the elements of protection in the carrying out of their employment. Furthermore they discriminate against women by forcing them to undergo a pregnancy test in order for them to get employment with the company and sanction those workers who try to get better working conditions.

Those SODEXO workers who decide to organise in order to get better wages, work security, payment for work done, and conformity with national and international standards were dismissed and the company refused to respect the decision of workers to join SINALTRAINAL. Also they have refused to negotiate on the sheaf of petitions presented by the workers or to reinstate the seven workers dismissed for joining a union.

In addition, SODEXO maintains corporate relationships with companies of dubious reputation in Colombia and the rest of the world for human rights violations, such as Nestle, Coca Cola, Glencore International AG., Carbones de la Jagua, Bancolombia and many others.

With this policy SODEXO flagrantly violates constitutional articles, laws and conventions of the OIT [ILO – ‘*Organización Internacional del Trabajo*’ –Ed.] ratified by Colombia, the codes of conduct guidelines set out by the OECD and the Global Pact of the UN.

From our side we have made representations to national administrative and judicial authorities and before the National Contact Point in Paris-France, with the aim of obtaining from SODEXO a respect for the rights of workers.

In the same way we have committed to the Global Campaign Against SODEXO with the participation of the following union organisations: FENTIAHBETA of the Dominican Republic, CONTRACS and CUT of Brazil, CGT and CFDT of France, SEIU (Service Employees International Union. CTW. CLC) of the United States, TEKEDA of Turkey, UNISON of England, and ODT of Morocco, amongst others.

As part of the campaign we will participate in the *Global Day of Action Against SODEXO “For the right to unionisation, collective bargaining and dignity”* planned for 18<sup>th</sup> - 24<sup>th</sup> January 2011

We demand that SODEXO subscribe to a global agreement to immediately stop violating the law, labour standards and the international convention on human rights in the 80 countries in which it has a presence; the recognition of SINALTRAINAL; negotiation around the sheaf of petitions presented on the 4<sup>th</sup> May 2010; the reinstatement of the workers dismissed on the 28<sup>th</sup> and 29<sup>th</sup> of April 2010; and an end to persecution and respect for the right of association.

*We ask the organising body of SINALTRAINAL, and those organisations that support us in this big task, to participate massively in the day and carry out the actions attached to this call.*





Melbourne 29<sup>nd</sup> November 2010

**DAVID CRAWFORD**  
CEO BHP-Billiton

**MARIUS KLOPPERS**  
CEO BHP-Billiton

**IAN WOOD**  
Sustainability and Community  
BHP BILLITON

Re: Testimony delivered at BHP-Billiton  
Shareholders meeting in Perth

Cordial greetings to the meeting of shareholders of BHP Billiton, held in Perth Australia, on the 16<sup>th</sup> of November, at which we succeeded in exposing three important issues for the workers and communities working and living in the complex and surrounded of the CERREJON mine in the department of la Guajira in Colombia. These are:

1. Problems for workers related to their type of work, many workers working in the Cerrejón coal mine complex, experience work related illnesses. These workers have difficulty in securing an assessment on the origins of their illness, and in obtaining treatment, rehabilitation, compensation or pensions. In spite of numerous meetings with the administration and the medical division of Cerrejón, this problem continues to increase, and it needs the participation of the principal
2. Executive of BHP Billiton, to find a solution to this situation.
3. A lack of union rights for workers under casualisation and subcontracts. At the Cerrejón coal mine complex 6000 workers are working for more than 300 contract firms. In spite of each of these contractors having a manager from Cerrejón, violations of basic worker's rights by the managers of these contract companies are a frequent occurrence  
The violations range from the most basic to the most complex, payment of salaries, bonuses, affiliation to social security, pension contributions, overtime pay and bonuses, unfair dismissal. A lack of guarantees does not allow for union organisation but, with great difficulty, we have succeeded in creating a union at the mechanical maintenance company CHANEME COMERCIAL S.A. This union called SINTRACHANEME has suffered all types of persecution on the part of the company, in front of the indifference of the Cerrejón managers. The intervention of the BHP Billiton executive is needed to guarantee the rights to association and negotiation for those workers on contract and casualisation (subcontratation) from Cerrejón in compliance with Colombian Labour legislation and agreements ratified by the OIT.
4. The impact of mining on local communities. In 2001 the community of TABACO in la Guajira Columbia

was forcibly removed by Cerrejón. This action drew national and international condemnation for the abuse perpetrated against the communities affected by the exploitation of the mining companies. At present several communities are in discussion and negotiation with Cerrejón in regards to relocation, compensation from the development of projects such as ROCHE, CHANCLETA, PATILLA, TAMAQUITOS Y LAS CASITAS. In this respect we have concerns that the areas selected by Cerrejón to relocate communities are more contaminated then those they are occupying at present.

In order to balance our case we wish to inform you that there are other communities impacted by displacement by the mining companies of Cerrejón such as: MANANTIAL, CARACOLI, EL DESCANSO, SARAITA, PALMARITO, de ROCHE and the same TABACO, all under the jurisdiction of the municipality of BARRANCAS Guajira. We enclose documents backing our reports.

All these communities are asking for respectful treatment so that their forced relocation should be taken into account, their compensation and the development of

productive projects, that they are able to have spaces where their point of view is heard in order to avoid future conflicts for up until now the Cerrejón Department of Communities and Land has not listened to the claims of these communities. We believe that it is of the utmost importance and urgency that the main office of BHP Billiton in Australia intervene and give attention to resolving this problem.

We thank you for the interest and importance that BHP Billiton gives to the attention and solution to this problem. Equally we think it is imperative that there is a continuous follow up to solve the situation expressed in this document.

Regards,

JAIME DELUQUEZ  
Colombia SINTRACARBON, CUT  
Colombia, ICEM

WILMAN PALMESANO  
Miner Displaced Communitie.

LUCHO RIQUELME  
Latin American Solidarity Network  
(LASNET)-Australia  
(Red de Solidaridad con los Pueblos  
Latinoamericanos)  
l.riquelme@optusnet.com.au

# Reportback From Meeting With BHP-Billiton, 29 November 2010

Following Jaime Deluquez (SINTRACARBON) making a presentation at the BHP shareholders' meeting in Perth, Jaime and Wilman Palmezano (Wayuu & Afro communities representative), along with members of LASNET, FETRAMIN - Chile and the CFMEU Mining and Energy Division, met with BHP-Billiton representatives - Ian Wood (Vice President Sustainability and Community Relations), Liz McNamara (Public Relations) and Barry Formosa (Health Safety and Environment Communications) on Monday, 29 November 2010.

In this meeting, Wilman presented testimonials and information from displaced communities, highlighted his communities issues with BHP's community co-ordinator in Cerrejón and the problems he faced due to a defamation case brought by the company against him. Whilst reiterating Wilman's concerns about community issues due to the Cerrejón mine, Jaime also pointed to the dire OH&S circumstances employees of the Cerrejón mine work under. Injuries, illness and horrid working conditions (including 12 hour shifts, coupled with the lengthy journey - often a 4 to 5 hour return journey - many employees must endure daily) continue to run rife within the Cerrjón mine.

Miguel Enrique Suarez Gonzalez (FETRAMIN-Chile) pointed out that the 'independent' environmental reports undertaken in the region about air, water and soil quality were neither accurate nor credible. Moreover, the areas where displaced communities are currently living, and those where they are to be moved, have air, soil or water contamination (and in some cases all three).

In response, the BHP representatives present stated that BHP genuinely wanted to resolve the issues raised in this meeting in a fair and timely manner, and Ian reaffirmed his opinion that the independent processes currently in place were capable of resolving the issues surrounding the displaced communities' needs created by the Cerrjón mining project. He also indicated that pushing Cerrejón mine to reach a fair outcome would continue at the highest levels of BHP.

Whilst LASNET welcomes the results achieved at this meeting, we will continue to put pressure on BHP-Billiton, and seek similar undertakings by the Australian Trade Union movement, in order to ensure these promises are more than tired shibboleths; that this meeting results in the direct improvement of the lives of both the Wayuu and Afro-Colombians communities and workers impacted by BHP-Billiton's Cerrejón mine.

Thanks to Luke van der Meulen, President of the CFMEU Mining & Energy Division - Victorian District Branch, for both his attendance at the meeting and assistance in making this report.



***The Spectre**  
Volume 1, Number 1. January 2011.*

Website: [spectrenewsletter.wordpress.com](http://spectrenewsletter.wordpress.com)  
Email: [editor.spectre@gmail.com](mailto:editor.spectre@gmail.com)

Thank you.

## UPCOMING EVENTS

***International Multinational Monitor  
1st Organising Meeting***  
18 January, 7 pm @ LASNET Space,  
Basement, Trades Hall.

***Activist Film Festival***  
Featuring films from across Latin America;  
including the MST, ELZN, Chile,  
Colombia & Venezuela  
21-22 January @ RMIT City Campus  
More details at [latinlasnet.org](http://latinlasnet.org)

***August 2011 Delegation to Colombia –  
1st Organising Meeting***  
25 January, 7pm @ LASNET Space.

***International Day of Women in Struggle,***  
March 8

***Young Fighter Day***  
March 29

***Struggle For Land Day***  
April 17

***International Day of Indigenous People***  
April 24