

# **DECLARATION OF THE 1ST MINISTERIAL MEETING OF THE LATIN AMERICAN STATES AFFECTED BY TRANSNATIONAL INTERESTS**

Guayaquil, Ecuador, April 22, 2013

The representatives of Bolivia, Cuba, Ecuador, Nicaragua, Dominican Republic, St. Vincent and Grenadine and Venezuela, meeting in the city of Guayaquil, Ecuador, on 22 April 2013, agree to sign this declaration.

## **CONSIDERING**

That the developing countries have valuable resources to be used in a sustainable way for the development of our people.

That the States hire and make concessions to foreign companies, in a relationship which should be of mutual benefit to investors and to our peoples.

The recent events in various countries of Latin America, concerning disputes between States and transnational corporations have shown that there are still cases where the judgment violates international law and the sovereignty of the States as well as its legal institutions, due to the economic power of certain companies and deficiencies of the international systems of dispute settlement on investment, facts that must be evaluated in depth by the States in intergovernmental forums established for this purpose.

That there are various ongoing processes of bilateral negotiations with transnational corporations that require solidary assistance among the States of the region to bring these processes to results that will benefit the people of the South.

## **HEREBY AGREE**

1. Express solidarity with those Latin American countries that have been, or are currently involved in litigations against transnational corporations in international arbitration.

2. To support the constitution and implementation of regional organisms for settling investment disputes, to ensure fair and balanced rules when settling disputes between corporations and States. Encourage UNASUR in the approval of a regional mechanism currently under negotiation and promote the inclusion of other Latin American States in this mechanism.

3. Create an International Observatory funded with contributions of the States which, among other objectives, 1) periodically gives an account for the state of international litigation on investments in both regional and global instances, 2) identifies procedures to monitor the performance of international courts of arbitration, 3) investigates, analyzes and proposes mechanisms to reform such instances arbitration, 4) studies, analyzes and supports the creation of alternative mechanisms of intermediation for the fair, reasonable and definitive resolution of differences between the States and transnational companies, 5) constitutes an encounter forum for experts in international litigation on investments that work together with the countries of the South, 6) promotes the creation of mechanisms for coordination and mutual consultation between the judicial systems of Latin American States, to ensure the enforcement of domestic judicial decisions on disputes between States and transnational corporations; 7) creates a compendium of legislation, policies, and trade and investment agreements, regarding negotiation processes between States and corporations, to facilitate the adoption of jointly strategies by the States; 8) studies, analyzes and provides the States with technical, legal and political advice to ensure the effective translation of their interests into trade and investment contracts with transnational corporations; 9) establish dialogue mechanisms with social movements.

It is agreed that the Republic of Ecuador, the Dominican Republic and the Bolivarian Republic of Venezuela, working together, shall produce a proposal to create such organism within a period not exceeding three months.

4. To propose the implementation of these agreements on global coordination spaces of the Southern countries, such as the Group of 77 plus China, to seek global agreements within multilateral organizations such as the United Nations, world trade organizations and international financial organizations, with the purpose of visualizing the advantages and profits of transnational corporations in developing countries, their contribution to development, as well as potential abuses committed in the context of their engagement with the States.

5. To establish the Executive Committee of the Ministerial Conference of Latin American States Affected by Transnational Interests, whose role will be designing and implementing mutually supportive actions in the political and legal areas, among others, 1) conveying urgent and timely

information on legal disputes involving any of the signatory States, in the form of early alerts; 2) coordinating joint legal actions with international legal teams of experts and professional lawyers; 3) establishing permanent channels of communication with social movements; 4) designing communication strategies, as a counterbalance to global campaigns undertaken by transnational companies, for the dissemination of legal, technical and political aspects of the cases exposed, as well as the motivations of States. Initially, Ecuador shall be responsible for the coordination of this Committee.

This Committee shall meet within a period not exceeding four weeks in the city of Caracas, Venezuela.

The representatives of the Republic of Argentina, the Republic of Guatemala, the Republic of El Salvador, the Republic of Honduras and Mexico, countries that participate in this Conference as guests, wish to thank Ecuador for inviting them to the 1st Ministerial Meeting of the Latin American States Affected by Transnational Interests, take note of the hereby stated conclusions and declarations, and proceed to make their contents known for their respective governments.