

A People's Health Tribunal: Concept Note

16 Dec 2022

Purpose

This paper provides an overview of the proposed People's Tribunal on Transnational Corporations' Violations of the Right to Health, and will guide the development of a more detailed roadmap to realise, secure and guarantee the universal right to health against transnational corporate violation.

The proposed Tribunal has been endorsed in principle by the Steering Council of the People's Health Movement, but its implementation will require the enthusiasm and energy of PHM's country circles and thematic groups and a wide range of civil society partners and supporters.

This Concept Note is intended to present the context, purpose and broad implementation framework with a view inviting closer engagement of the wider circles of PHM activists, the range of partners whom we hope will join us, including other civil society organisations (from a wide range of policy sectors), practitioners, academics, funding supporters, and possible members of the Tribunal.

Context

People and planet are on a disastrous trajectory facing a mix of intersecting crises: economic, social and ecological. The hunger, poverty, indebtedness and illness arising from these crises are distributed most inequitably.

Transnational capitalism - extracting, depleting and degrading workers, consumers and nature for corporate gain - plays a major role in the genesis of these crises, driven by the profits accruing to a small global elite.

Giant transnational corporations (TNCs), working in cahoots with imperialist nations and financial institutions and nurtured by a global regime of unequal exchange and heightened militarism, play a central role in the dynamics of global capitalism.

The right to health encompasses the right to living conditions and an environment where health and wellbeing may flourish today and for future generations. It also includes the right to decent health care. Billions of people are denied these rights, through the direct policies and practices of TNCs and through the exclusions and inequities generated by transnational capitalism and imperialism. People and communities who have historically faced oppression and discrimination, face the brunt of this assault.

These circumstances are recognised by many people around the world. They are indicted in the People's Charter for Health and in declarations by many other networks. The forces and dynamics of this regime

and the pathways of change have been closely analysed in the six volumes of Global Health Watch so far published.

Proposed goals for the People's Health Tribunal

The People's Health Tribunal will serve to:

- Expose the role that giant corporations play in creating ill-health, erecting barriers to decent health care and in fostering policies and practices which are destroying our shared wellbeing, ecological harmony, and the social and material rights of current and future generations ('buen vivir');
- Expose the ideas, norms, systems, and structures that privilege corporate power over the wellbeing of people and planet;
- Lead a program of documentation, analysis and action to realise, secure and guarantee the people's right to health against the depredations of the transnational corporations and the governments and international agencies which protect them;
- Build capacity and share resources and lessons to mobilise at all levels and across sectors to:
 - strengthen the national regulation of TNCs,
 - strengthen national and regional policy positions in relation to the international regulation of transnational corporations and transnational capitalism,
 - strengthen the accountability of international financial and regulatory agencies, including resisting their privatisation through 'public private multi-stakeholder partnerships', and
 - strengthen the forces working to demolish imperialism and implement political and economic systems and structures which support equity and Buen Vivir.

Operational objectives

Launch at PHA5. The People's Health Tribunal will be publicly launched at the fifth People's Health Assembly (PHA5) to be held in Colombia in the first week of December 2023. In the lead up to PHA5 a network of collaborative organisations as co-convenors/co-producers and partners in the PHT will be assembled; tribunal members will be recruited; and the ground rules for the work of the Tribunal will be determined. At PHA5 the Tribunal will be launched; the indictment and vision for change will be presented; and a program for collecting testimonies, research, propositions and action for change will be developed and adopted.

Collecting evidence and building analysis. During the course of the Tribunal diverse forms of evidence and testimony will be collected and submitted to the Tribunal. Such evidence will encompass corporate violations of the right to health, the workings of the multilateral entities that establish and defend prevailing norms and the regimes that nurture TNCs and defend their impunity. Evidence will also be collected and submitted regarding the alternatives, acts of resistance and the responses of people's organisations.

The participation of PHM's regional and country circles and thematic groups and the networks of our PHT co-producers and partners will be critical in these processes of evidence collection and analysis. The evidence will be used to build dialogue, share analysis and implement action across different countries, regions, networks and actors.



Depredations and subversions. The Tribunal will consider evidence regarding the depredations of the TNCs across all sectors but particularly in pharmaceuticals, fossil fuels, mining, food, armaments, cyber technology, global finance, and health care. The Tribunal will consider evidence regarding the strategies and tactics deployed by the transnational corporations, in conjunction with the imperial powers and mega-philanthropies, to marginalise and co-opt the UN system, to subvert the sovereignty of the nations of the Global South, and to subordinate civil society to the neoliberal agenda. The Tribunal will consider the structures and processes of global economic governance which protect the impunity of TNCs, including the deployment of military power and unilateral coercive actions.

Resistance struggles. The Tribunal will consider evidence which documents passages of resistance and the articulation and implementation of alternatives to the existing transnational capitalist order by the governments and peoples of the Global South and a wide range of social and political movements globally. Such struggles will include different levels of engagement, different industrial sectors, and different facets of corporate globalization (including international financial institutions, and the regimes governing global trade, global production, and global investment flows), as well as the articulation and implementation of alternative practices.

Action to Realise, Secure and Guarantee. The networks and organisations collaborating in the PHT (including PHM's regional and country circles and thematic groups) will implement action for change and will document their activities and the results they achieve and these reflections will be submitted to the Tribunal as learnings from action to inform analysis and further action on depredations, subversions, resistance, propositions and alternatives.

Interim report. In late 2024 the Tribunal will issue an interim report and stage a high-profile event to launch its report. The report will summarise its findings about violations of the RTH and the strategies and tactics used by TNCs to prevent the nation states and UN agencies from fulfilling their obligations under the RTH. It will summarise its findings about strategies which have been or could be deployed to secure and guarantee the RTH in the face of corporate and imperial activities. Finally the report will issue a call for action highlighting particularly promising forms of action for advocacy, popular mobilisation and creating alternatives.

Final report (late 2026). Reports from further rounds of evidence gathering, analysis, advocacy, engagement, action and learning from action will be submitted to the Tribunal for its consideration and integration in a final report. The Tribunal will hold a further high-profile event to release its final report of the analysis and action to realise, secure and guarantee the people's right to health against the depredations of the transnational corporations and the governments and international agencies which protect them;, with a final call for action.

Continued engagement and construction. The PHT will build on the analysis, organisation and struggles already underway on TNCs from local to global level. The processes and activities initiated through the PHT will nourish, sustain and develop this organisation, analysis and action beyond the timelines of the PHT.

Implementation

Detailed planning for the implementation of the Tribunal is now underway. The Implementation Plan will propose:



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- dedicated structures for management and coordination including prioritization in accordance with the capacities of the collaborating organisations,
- a program of reaching out to PHM regional and country circles, and other civil society movements and networks to encourage participation, co-creation, local, national and regional activities and exchange which reflect and feed into the global action, within the limits of their capacity and political space,
- arrangements for assembling, launching, and supporting the Tribunal,
- arrangements for coordination between the development of the Tribunal, the planning for its launch at the PHA5, and the development and implementation of the subsequent PHT processes,
- guidelines and arrangements for collecting, analysing, and documenting evidence, and for participatory action research directed to documenting, evaluating and learning from actions, and
- a structured approach to outreach, engagement, and communications.

Workloads and timelines will be considered in relation to each of these tasks and these will be then pulled together in consolidated timelines, and a draft expenditure budget.