



**ethecon** Foundation Ethics & Economy  
Stiftung Ethik & Ökonomie Fundación Ética & Economía

**ethecon** Dossier

**english** german french spanish version

**International ethecon Black Planet Award 2018 to Herbert Diess and Hans Dieter Pötsch (executives) as well as to the major shareholders Wolfgang Porsche (PORSCHE HOLDING SE) and Stephan Weil (prime minister of lower Saxony) of the world's largest carmaker VOLKSWAGEN (Germany)**



**Herbert Diess / Vorstand**



**Hans Dieter Pötsch / Aufsichtsrat**

**Volkswagen**



**Wolfgang Porsche / Großaktionär**



**Stephan Weil / Großaktionär**

## **Cover picture**

The cover shows the persons who are named and shamed with the International ethecon Black Planet Award 2018:

Herbert Diess (CEO)

Hans-Dieter Pötsch (chairman of the supervisory board)

Wolfgang Porsche (major shareholder / PORSCHE HOLDING SE)

Stephan Weil (major shareholder / prime minister of lower saxony)

## **About this Dossier**

This dossier was published for the first time on the occasion of the naming and shaming of Herbert Diess (CEO), Hans-Dieter Pötsch (chairman of the supervisory board), Wolfgang Porsche (major shareholder / PORSCHE HOLDING SE) and Stephan Weil (major shareholder / prime minister of lower saxony), when they were awarded with the International ethecon Black Planet Award 2018 by ethecon Foundation Ethics & Economy on November 17th, 2018, in Berlin after the denouncing on September 21st, 2018.

With adequate profit, capital is very bold.  
A certain 10 percent will ensure its employment anywhere;  
20 percent certain will produce eagerness;  
50 percent, positive audacity;  
100 percent will make it ready to trample on all human laws;  
300 percent, and there is not a crime  
at which it will scruple, nor a risk it will not run,  
even to the chance of its owner being hanged.

Thomas J. Dunning  
Economist and trade unionist (1799 - 1873)  
published in the Quarterly Review  
London 1860





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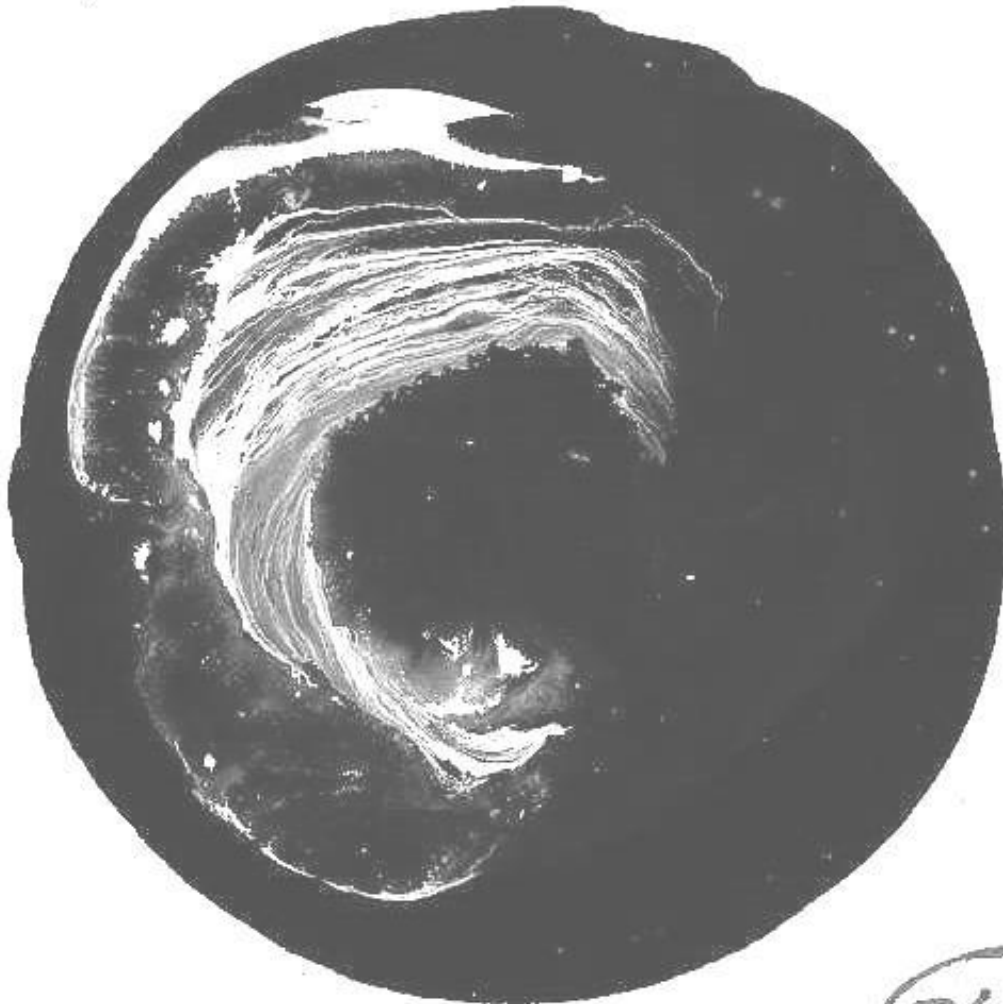


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*Pieno*

*¡El planeta azul debe mantenerse verde!*

*Keep the Blue Planet green!*

*Der Blaue Planet soll grün bleiben!*

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### **Figure page 3**

The picture shows the „Blue Planet“ by Otto Piene who died in 2014. This artwork was the base of the cooperation between the world-famous ZERO artist and the foundation ethecon since 2005 with the International ethecon Blue Planet Project. This project is still active and includes for example the annual presentation of two international awards based on the motto of this artwork from Piene since 2006, the International ethecon Blue Planet Award, which honours persons, who are protecting and rescuing the Blue Planet, as well as the International ethecon Black Planet Award, which shames persons, who are ruining and destroying the Blue Planet to a Black Planet. From 2006 to 2009 Otto Piene painted the artwork on glass as an annual unique copy for the trophies for the Blue Planet Awards.



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### Preface

#### **The international ethecon Blue Planet Project<sup>1</sup> and the two international ethecon Awards (by ethecon founder Axel Köhler-Schnura<sup>2</sup>)**

The two international ethecon prizes Blue Planet Award and Black Planet Award have been conferred by ethecon – Foundation Ethics & Economy since 2006. Today they belong to the most well-known anti-globalisation prizes worldwide.

What are these prizes all about? What is the presentation of these two ethecon Awards all about?

My foundation members, supporting members of the ethecon foundation, the donors and of course also I, together with my co-founder Ms. Rehmann, are involved in ethecon because we do not want to stand by and watch how fundamental principles of ethics are being trampled underfoot, just so that the rich and powerful of this world can become even richer and more powerful. And this while there has been already done vast damage by humans and ecology with the danger of a full social and ecological ruin of humanity. We are convinced that the reason for our social and ecological downfall of our Blue Planet is the profit principle and the associated destruction of fundamentally ethical principles caused by our economy. We are in favour of establishing ethical principles in economy and of a reorientation of a profit-based system to a solidarity-based system. Saving the planet will be only possible if we crash the profit principle.

The idea to promote efforts to preserve and rescue fundamental ethical principles with a foundation prize already came up during the foundation year in 2004. There were and are many prizes that award achievements in various sectors of society. However, there are not many prizes that honour resistance against abuse and ruin of ethics and moral that has the consequence of destruction of the environment, war and exploitation.

Our idea corresponded to the cycle of works “Blue Planet” of the artist Otto Piene (born 1928/deceased 2014)<sup>3</sup>. He belonged to the big artists of the 20th century. Together with Mack and

<sup>1</sup> More detailed information about the International ethecon Blue Planet Project can be found in a brochure with the same title. It is available on request free of charge.

<sup>2</sup> Axel Köhler-Schnura, graduate in business management, Düsseldorf, born 1949, married, four children (one of them deceased); studies of business administration, sociology, informatics and various languages; until 1976 research in the field of sociology of the economy within the framework of German Research Society; followed by activities in several companies, finally in the executive management of a major enterprise in the graphic industry; since 1988 a self-employed entrepreneur with companies with an ecological orientation; actively engaged in the foundation and building of Federal Association of Citizens' Initiatives for Environmental Protection, of the umbrella organization of Critical Shareholders, of Pesticide Action Network PAN and of UnternehmensGrün (Green Enterprise), to name a few; honorary activities on the board of Arts against Big Companies Edition, of the alternative savings fund ProSolidar ([www.ProSolidar.net](http://www.ProSolidar.net)) and of the international Network for Coordination against BAYER-dangers ([www.CBGnetwork.org](http://www.CBGnetwork.org)); founder and honorary chairman of ethecon – Foundation Ethics & Economy ([www.ethecon.org](http://www.ethecon.org)); formerly in the coordination circle the European Social Forum; regular publications; bearer of several awards (Business Crime Control 1998 and Civic Courage 2000, to name a few). / Compiled from sources such as “Who is Who” (German edition) and Wikipedia.

<sup>3</sup> More information about Prof. Otto Piene and his work can be found in the ethecon brochure entitled “Blue Planet Project” (available on request free of charge).

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Uecker he created the epochal ZERO art and is responsible, amongst other, for SkyArt. With the mentioned work Piene demanded: "Keep the Blue Planet green!" Piene's credo was simple as well as astonishing: "Yes, I dream of a better world. Should I dream of a worse one?"

Piene launched together with ethecon the International ethecon Blue Planet Project in 2005 and it was based on the idea to have an international prize. However, the discussion process about this prize quickly showed that it is not enough to just honour actions that fight for ethics and moral. It showed that it is equally important to denounce misdeeds against ethics and moral. Finally, the idea emerged to have two linked together ethecon prizes: The positive ethecon prize Blue Planet Award and the negative ethecon prize Black Planet Award.

Both ethecon prizes are one unit, two sides of the same medal. Together they reflect the state of the ethical principles that shape our world. At the same time, they illustrate the vision of ethics and moral that enables a world without exploitation and oppression. The two ethecon prizes outlaw ruthlessness, greed, war and destruction of the environment. And they follow the ideals of solidarity, peace, environmental protection and justice. They demand resistance, change and commitment in the interest of the ideals; stand for a liveable future for this, our world.

The first prize, the International ethecon Blue Planet Award, awards commitment to preserve and rescue the Blue Planet and calls attention to the pressing scope of actions and opportunities. The second prize, the International Black Planet Award, denounces the desecration of our world or the danger of a Black Planet and it condemns indifference and ignorance.

The two international ethecon prizes together show: There is hope. The force is in us, in every single of us.

The two international ethecon prizes fundamentally only award people and no institutions. Like that growing and targeted anonymization of decisions are supposed to be opposed. Especially in the events of negative developments the responsible people like to hide themselves behind the facades of any institution. They like to refer to alleged constraints and blame decisions that were sort of taken automatically. However, whether it is positive or negative, it is always the same: They are always people who take decisions and bear responsibility.

The presentation of the two international ethecon prizes usually takes place once a year. At the beginning of every year an internationally widespread call is initiated in which about 10 thousand recipients are asked to make proposals for award winners – for the International ethecon Blue Planet Award as well as for the International ethecon Black Planet Award. After a thorough advisory and decision-making process the award winners are announced on the occasion of the international anti-war day, on September 21st. The international public is informed in detail in two extensive dossiers in at least three languages about the reasons why certain winners were chosen – one for the Black Planet Award and

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one for the Blue Planet Award. The two ethecon prizes are awarded every third weekend of November of each year at a public, big ceremony in Berlin.

Many actors from all over the world are involved in the activities to present the awards. However, we deliberately do not involve actors from the prevailing circles and institutions but actors from resistant movements who fight for peace, ecology and justice. Like that the inseparable connection of the two awards and the meaning of these prizes to support our aim are supposed to be stressed and become visible.

The recipients of the International ethecon Blue Planet Award are invited to a ceremony in Berlin. After a detailed presentation of reasons (laudation) the prize will be handed over in person. We offer the recipient the possibility then to cooperate with ethecon and the network of the foundation.

This is different for the ethecon Black Planet Award though. The awarding of this negative prize will only be justified with a diatribe at the ceremony. The prize winners are only informed of this awarded infamous prize by an "Open Letter" that is published in three languages. However, the presentation of the award in person does not take place during this public ceremony. But also for this awarding people and organisations of international, social movements are involved.

When the two International ethecon Awards were born in 2005, a process to find prize trophies was created. Otto Piene spontaneously offered to create the trophy for the International ethecon Blue Planet Award and since 2006 he designed the annual prize trophy for the International ethecon Blue Planet Award as a unique, valuable sculpture that is made out of glass and wood. Until 2009. He asked then – now 82 years old – for reasons of age to be released from this responsible task.

With Katharina Mayer, the great photo artist and Becher student (Born in 1958), we have found someone who worthily continues the Blue Planet Project that was established by Piene and ethecon and who also gives the project its own character. In 2010, the prize trophy of the International ethecon Blue Planet Award was not designed with a brush for the first time. It was designed with the help of photo art. We are proud to have Katharina Mayer on our side.<sup>1</sup>

The prize trophy of the International ethecon Black Planet Award is created in a completely different way. This trophy is a plastic globe that is industrially manufactured under exploitative and environmentally unfriendly conditions that is designed annually as a Black Planet by young people. The artistic alienation is deliberately not carried out by the artist who creates the annual positive prize but by a young person who is randomly chosen. In doing so, it is avoided to create the infamous trophy of the International ethecon Black Planet Award as an art of work of high quality. It is guaranteed that in our world that is oriented towards usability no new precious objects are created. Especially for someone who

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<sup>1</sup> More about the person and works of Prof. Katharina Mayer in the ethecon brochure „Blue Planet Project“ (can be obtained free of charge)

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does not deserve this appreciation – in the truest sense of the word. At the same time the young person is a symbol for the endangered future of the Blue Planet, for those who are threatened by a Black Planet. It is the youth whose future is destroyed by the ecological, social and martial ruin of the world.

It is significant and important to mention that the denounced people who are awarded with the International ethecon Black Planet Award generally despise this award trophy. Down to the present day not one of the reviled persons has accepted the award personally and has laid him/herself open to criticism by the public. The prize trophy could be handed over to a delegate at the best, such as to an employee of a press office. However, most of the times we could observe how the prize was destroyed by security guards.

ethecon Foundation Ethics & Economics is a foundation from the bottom. The foundation has emerged from global movements against globalisation and big corporations that fight for environmental protection, peace and justice; supported by activists who fight against corporate power, exploitation, war and environmental destruction; globally networked, connected with principles of international solidarity. ethecon is a foundation that sees itself as being responsible for future generations.

The International ethecon Blue Planet Project that comprises the two international ethecon prizes wants to express this solidarity and these principles. Searching and finding the annual recipient on the basis of the mentioned principles, the annual presentation of the ethecon prizes during a ceremony that has a different topic every year in the context of the responsibility to sustain a liveable world, the presentation of the International ethecon Black Planet Award in the context of broad international actions – that is the International ethecon Blue Planet Project.

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### Background<sup>5</sup>

**on the shaming of the senior managers Herbert Diess (Chairman of the administrative board) and Hans-Dieter Pötsch (Chairman of the supervisory board) as well as the major shareholders Wolfgang Porsche (PORSCHE HOLDING SE) and Stephan Weil (Prime Minister of Lower Saxony/SPD) of the world's largest automotive manufacturing company VOLKSWAGEN (Germany) with the international ethecon Black Planet Award 2018**

The VOLKSWAGEN Group (VOLKSWAGEN) is a multinational car manufacturing company seated in Germany with its subdivisions (car marques) VOLKSWAGEN (VW), SEAT, ŠKODA, CUPRA, AUDI, BENTLEY, BUGATTI, DUCATI, LAMBORGHINI, PORSCHE, MAN and SCANIA it is the largest producer of passenger cars worldwide along with TOYOTA. With its subdivisions it supplies passenger cars, motorcycles, trucks and busses from production facilities in 31 countries.

VOLKSWAGEN sells more than 10 million cars a year and made 230.7 billion Eur in revenue in 2017. On the 31st of December 2017 the group employed 642,292 people worldwide. The company headquarters are located in Wolfsburg/Germany. Judged by its revenue the company is ranked sixth in the list of the largest companies in the world (as of August 2018).<sup>6</sup>

The company's founding can be traced back to the Nazi-regime's efforts to strengthen the völkisch ideology and moving the workers away from political and social commitments to consumption, travel and (auto)mobility, by offering an inexpensive car to the masses; An infamous maneuver in the brutal destruction of the democratic and political labor movement that has been going on since 1933.<sup>7</sup>

In 1937, on the direct order of Adolf Hitler, the nazification organization "Kraft durch Freude" (Strength through Joy, KdF) built the Volkswagenworks in what is now Wolfsburg, the largest automotive factory in Europe. Already the beginnings of the creation of the VOLKSWAGEN group started with a crime: As the german automotive industry had no interest in subsidizing the project the factory was built with labor union money that had been confiscated in 1933.<sup>8</sup>

Leading engineer of the "Gesellschaft zur Vorbereitung des deutschen Volkswagens" (Society for the preparation of the german people's car) as well as from 1938 the first director of the "Volkswagenwerk

<sup>5</sup> This background information about VOLKSWAGEN's winners of the International ethecon Black Planet Award 2018 is an exemplary compilation of facts. It is based on publicly available information in electronic and printed media and does not claim to be exhaustive.

<sup>6</sup> Cf.: Annual Report 2017 of Volkswagen AG, for further information see [www.geschaeftsbericht2017.volkswagen.com](http://www.geschaeftsbericht2017.volkswagen.com).

<sup>7</sup> On the destruction of trade unions during fascism see the text of the German Trade Union Confederation on the occasion of the 80th anniversary of the power takeover by the Nazis: <http://www.dgb.de/uber-uns/bewegte-zeiten/geschichte-2-mai-1933>.

<sup>8</sup> "The plant built with expropriated trade union wealth, however, never served the people's motorization under the Nazis. Between 1940 and the end of the war, only 640 cars meant for civilian use left the factory.", cf. [https://www.focus.de/auto/gebrauchtwagen/oldtimer/tid-32071/75-jahre-vw-in-wolfsburg-von-hitlers-kaefer-city-zur-generation-golf-die-grosse-volkswagen-luecke-der-nazis\\_aid\\_1027978.html](https://www.focus.de/auto/gebrauchtwagen/oldtimer/tid-32071/75-jahre-vw-in-wolfsburg-von-hitlers-kaefer-city-zur-generation-golf-die-grosse-volkswagen-luecke-der-nazis_aid_1027978.html).

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GmbH" was Ferdinand Porsche.<sup>9</sup> He had – as did other heads of corporations, such as Carl Duisberg of BAYER/IG FARBEN – spied on the new assembly line production of Henry Ford during a trip through the USA. Through the usage of this mode of production and the appropriate design of his new factory Porsche established a previously unknown level of productivity. The flipside of this productivity was the notorious monotony of conveyor belt work: machines dictate the speed and the sequence of movements to the workers. The health risks and the significant increase in mental decay through conveyor belt work is scientifically proven in our day and age.<sup>10</sup> However even in those days people complained about the alienation from their own work and the disintegration of the psyche and subjectivity – most famously in Charlie Chaplin's cult film "Modern Times".<sup>11</sup>

While at first pay was supposed to be above-average in an attempt to appease the antifascist minded workforce, the working conditions at VOLKSWAGEN rapidly deteriorated after Nazi-Germany's attack on Poland in 1939. The hereby unleashed second world war, the most horrible war of destruction in the history of mankind<sup>12</sup>, was also enabled by the national-socialist management of VOLKSWAGEN, that immediately switched to arms-manufacturing. Only few of the promised civil VOLKSWAGEN left the factory and were given to state functionaries and military agencies.

Even worse, during the course of the war tens of thousands of forced laborers were used by VOLKSWAGEN.<sup>13</sup> On the grounds of this slavery and in close cooperation with the higher echelons of the Naziregime VOLKSWAGEN grew to be a central part of the German war economy and arms production. Even the production of the "vengeance weapon" V1<sup>14</sup>, to be used against major cities in Britain and the development of Panzers was done by VOLKSWAGEN.<sup>15</sup>

<sup>9</sup> Ferdinand Porsche (1875-1951), who has been the development and production manager at Daimler since 1906, led the conception of the Volkswagen and became managing director of the founded GmbH (limited liability company) starting 1934. He joined the NSDAP (National Socialist German Worker's Party) in 1937 and was appointed SS-Oberführer (paramilitary rank, here 'senior leader') in 1942. For his services to the German war apparatus, he was awarded the War Merit Cross of the 1st Class and the skull ring of the Reichsführer SS. However, on the PORSCHE HOLDING website, a harmless picture of him is drawn, cf. <https://www.porsche-holding.com/de/geschichte/ferdinand-porsche/der-erfindergeist>

For the history of Ferdinand Porsches and Volkswagens see also: Malte Krebs, Norddeutscher Rundfunk: <https://www.ndr.de/kultur/geschichte/chronologie/Die-Gruendung-des-Volkswagenwerks-1938,wwerk2.html>  
See: Pyta, Wolfram: Porsche – Vom Konstruktionsbüro zur Weltmarke. Ludwigsburg, 2017.

<sup>10</sup> Cf.: Michael Falkenstein: Altern, kognitive Funktionen und Arbeit. Leibniz-Institut für Arbeitsforschung an der TU Dortmund, 2010.

<sup>11</sup> "When the assembly line is stopped for a short break, the movie shows us in slapstick-like scenes, what kind of deformations this kind of work leaves within people." To classify the meaning of the movie: <http://www.filmzentrale.com/rezis/modernezeitensk.htm>

<sup>12</sup> The fascist rulers of the Deutsche Reich deliberately designed their attack on the Eastern European countries as a war against its population and murdered millions of people through hunger, slave labor, and industrial destruction. World War II claimed more than 50 million lives. To understand the dimensions and impact, see also: <https://segu-geschichte.de/vernichtungskrieg/>

<sup>13</sup> During World War II, the economy of the fascist Deutsche Reich was largely based on forced labor that has been carried out by political opponents, homosexuals, ethnic and/or religious minorities and, above all, prisoners of war from conquered countries. In total, an estimated 20 million people were abducted and forced to labor under perilous conditions. For the classification of forced labor in fascism see: <http://www.zwangsarbeit-archiv.de/zwangsarbeit/zwangsarbeit/zwangsarbeit-2/index.html>

<sup>14</sup> "Retaliatory Weapons" this is what the Nazi propaganda called their (mainly) missile weapons. With its help, an early turnaround during the war in favor of Germany was promised. See also: <https://de.wikipedia.org/wiki/Vergeltungswaffe>.

<sup>15</sup> Cf.: Siegfried, Klaus-Jörg (Hrsg.): Rüstungsproduktion und Zwangsarbeit im Volkswagenwerk 1939– 1945. Frankfurt, 1987.

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Besides Porsche himself, his son-in-law Anton Piëch<sup>16</sup> was also responsible for the close connection to the Nazi-leadership and the issuance of development orders. Both men were highly decorated NSDAP and SS members. On their watch approximately 20,000 forced laborers worked in inhumane conditions. A concentration camp with the cynical name "Arbeitsdorf" ("Workvillage") was operated just for VOLKSWAGEN. In this barbarism at least 500 prisoners and 350 infants that were born there were killed by exhaustion, starvation and the lack of hygiene following the Nazi-program "Vernichtung durch Arbeit" ("destruction through work").<sup>17</sup>

For the deportation of french workers after the forced takeover of the french car manufacturer PEUGEOT by VOLKSWAGEN Porsche and Piëch were imprisoned in France from 1945-1947.<sup>18</sup>

VOLKSWAGEN had grown to become a heavy weight in the german industry through its close relationship with the Nazi-leadership during the six years of war. Porsche and Piëch were never prosecuted for their crimes against forced laborers and their participation in the war, neither in Germany nor by the International Court of Justice. Quite the opposite, after the discontinuation of their "Denazification procedure" and a beneficial contract with the VOLKSWAGEN factory Porsche and Piëch could, even before the currency change<sup>19</sup>, misuse 10 million Reichsmark of the company's assets to finance their PORSCHE KG and retreated into the Austrian automotive business. On the side Porsche continued to profit from every sold VW-Beetle, of which already 90,000 had been sold by 1950, receiving 5 Deutschmarks for the usage of his "intellectual property". This was the basis for the luxury marque Porsche.<sup>20</sup>

After the war's end the VOLKSWAGEN-factory was initially subjected to the British military government.<sup>21</sup> Concessions were made to the reorganizing unions and worker's parties, so they would give up on their claims to VOLKSWAGEN property, leading to state ownership and far-reaching possibilities of co-management for work councils and unions. For the allied occupation forces strengthening the anti-fascist labor movement and creating public control over capital meant creating a counterweight to the

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<sup>16</sup> Anton Piëch (1894-1952) worked as a lawyer, a manager and beginning from 1941 as plant manager in Wolfsburg, where he worked closely with Ferdinand Porsche. He later married the daughter of Porsche and with that founded the manager dynasty Porsche-Piëch. Anton Piëch joined the Nazi Party in 1933 and the SS in 1944.

<sup>17</sup> Cf.: Grieger, Manfred: Das Volkswagenwerk – Unternehmensentwicklung zwischen Rüstung und Zwangsarbeit. In: Gall, Lothar (Hrsg.): Unternehmen im Nationalsozialismus. München, 1998.

<sup>18</sup> While particularly "eastern workers" from occupied Eastern Europe territories and delinquent Dutch students were forced into labor in Wolfsburg, Porsche and Piëch were only acquitted for their involvement in the deportation of Peugeot's French workers. Contrary to the conquered production sites of CITROEN or SKODA, which were added to the armaments production of the Klöckner-Humboldt-Deutz-Werke or respectively Reichswerke Hermann Göring, PEUGEOT came to VOLKSWAGEN after the conquest of France by the Wehrmacht (Nazi armed forces). Cf.:

[https://www.volkswagenag.com/presence/konzern/documents/history/deutsch/Erinnerungsst%C3%A4tte\\_Katalog\\_DE.pdf](https://www.volkswagenag.com/presence/konzern/documents/history/deutsch/Erinnerungsst%C3%A4tte_Katalog_DE.pdf)

<sup>19</sup> Due to the forced exchange of Reichs- and Rentenmark to D-Mark, sizeable sums of money lost their value. Up to the currency reform of 1948 food ration cards, paying in kind and other bartering methods replaced liquid assets.

<sup>20</sup> Cf.: <https://www.porsche-holding.com/de/geschichte/louise-piech-ferry-porsche/eine-marke-entsteht>.

<sup>21</sup> After the Second World War, the victorious powers, also called "Allies", occupied various parts of Germany. Among other things, today's Lower Saxony, and thus also the automobile factory in Wolfsburg that was controlled by the British military. [https://de.wikipedia.org/wiki/Britische\\_Besatzungszone](https://de.wikipedia.org/wiki/Britische_Besatzungszone).

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oftentimes fascist and imperialistic oriented German industrial capital.” The British military government thus transferred ownership of VOLKSWAGEN to the state of Lower Saxony in 1949, along with the duty to exercise the property rights with the federal government.

Already in 1960 the privatization of VOLKSWAGEN had begun with the transformation into a public limited company. To pacify the unions and the antifascist public in post-war Germany, state-owned control stocks<sup>23</sup> and a leading role in co-management through strong work councils were established in the so-called Volkswagen law. Another thing fixed by the law was changing the required majority for major resolutions such as changes to statutes or capital increases from a simple majority to 80% of the votes. At the same time the state of Lower Saxony received 20% of the stock with the mandate for public control.<sup>24</sup>

A lot of the law's provisions fell prey to attacks by corporate-friendly and capitalist oriented federal governments time and time again.

Starting in the 50s foreign workers were recruited by the federal government.<sup>25</sup> In the 60s and 70s VOLKSWAGEN's management was able to exploit the initial vulnerability of working migrants<sup>26</sup> more than any other company. It played out parts of the workforce against each other and thus weakened the commitment and unity of labor. By doing so they also feed into Germany's racism. The work- and living environments which awaited colleagues hired by VOLKSWAGEN from Italy, Tunisia, Turkey and other countries were so tough, that 51% of them left Wolfsburg after less than a year – despite the risk of breaking their hiring contracts and thus being sanctioned.<sup>27</sup>

An Italian worker summarized this development in 1970: “If the new arrivals continue to have to provisionally live in very dirty rooms or even have to sleep on the floor, when neither pot nor pan are provided for cooking, as long as Italians don't have the possibility to bring their families and as long as there are no leisure activities – as they can't just live from working – until then fluctuation will continue

<sup>22</sup> See Falk Pingel: „Die Russen am Rhein?“ Zur Wende der britischen Besatzungspolitik im Frühjahr 1946. [https://www.lfz-muenchen.de/heftarchiv/1982\\_1.pdf](https://www.lfz-muenchen.de/heftarchiv/1982_1.pdf).

<sup>23</sup> For some resolutions, shareholder meetings of stock corporations require a "qualified majority" according to German stock corporation law, about 75% for the liquidation of a company. Anyone who is in the possession of a minority of e.g. 26% of the shares of a company, can thus prevent such a decision through his voting rights as a "blocking minority".

<sup>24</sup> In the early days of the Federal Republic, the regulations of the Volkswagen Law on the position of its worker's councils served as role models in the trade unionists' movement. On the current significance of worker's participation rights at VOLKSWAGEN, see also the following study by the Hans Boeckler Foundation: [https://www.boeckler.de/wsimit\\_2014\\_04\\_Baum.pdf](https://www.boeckler.de/wsimit_2014_04_Baum.pdf).

<sup>25</sup> In the 1950s, industrial production in the newly-founded Federal Republic rose so rapidly in relation to other Western European countries as Italy and Spain that the wealthy in war-depleted Germany lacked labor. At the same time, the Italian government feared high unemployment in connection with a strong communist movement in the country. In 1955, the two governments agreed on a recruitment agreement, with which Italian workers were intermediated to the German industry. In the following ten years, further recruitment agreements were agreed with other states. The term "guest worker" was soon generalized in Germany, regardless of the limited or unlimited residence status of the workers, thus rigidifying as a term for migrant workers.

<sup>26</sup> We use the masculine in relation to the workers VOLKSWAGEN hired, who were almost exclusively men.

<sup>27</sup> Cfl.: Von Oswald, Anne: aufbau west aufbau ost.: [www.dhm.de/archiv/ausstellungen/aufbau\\_west\\_ost/katlg21.htm](http://www.dhm.de/archiv/ausstellungen/aufbau_west_ost/katlg21.htm)



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to reign supreme.”<sup>28</sup> The workers sharply criticized their accommodation and pointed to the continuity of fascist employment policies: “The German’s don’t want to hear the word Lager anymore, but it was a Lager.”<sup>29</sup>

In the early post-war era VOLKSWAGEN started internationalizing its production. In South America and Africa the management mistreated workers even worse than the hired working migrants in Germany. Beyond Europe VOLKSWAGEN could continue its fascist and anti-union employment policy and did in Brazil, South Africa and Mexico for example. To impede or smash union organization of VW workers the company didn’t even shrink back from cooperating with military dictatorships. There union organizers and militant colleagues were spied upon, tortured and murdered.

In Brazil the subsidiary VW DO BRASIL, under the leadership of German functionaries, as well as later on the VOLKSWAGEN subsidiary SCANIA were among the sponsors that made the fascist dictatorship from 1964 to 1985 possible in the first place: Along with other economic elites they promised donations to the military before the Coup of 1964 and thus became part of the conspiracy against the democratically elected government.<sup>30</sup> VW DO BRASIL compiled blacklists of employees, that were to be spied upon or “taken care of”.<sup>31</sup> VW security personal also took part in kidnapping and torture.<sup>32</sup> Management also provided free VW-cars to the notorious torture site OBAN in Sao Paulo.<sup>33</sup> The VW DO BRASIL boss at the time, Werner Paul Schmidt, even publicly acknowledged his fascist commitments: Of course police and military occasionally torture prisoners, but without a bit of cruelty things wouldn’t move forward.<sup>34</sup>

In 2014 the Forschungs- und Dokumentationszentrum Chile-Lateinamerika e.V. (Research- and Documentationcenter Chile-Latinamerika), the network of the Brazil solidarity groups KoBra as well as the umbrella organization of critical shareholders called for VOLKSWAGEN to deal with its history of collaborating with the Brazilian military dictatorship. 2015 the Brazilian human rights collective “Memória, Verdade, Justiça e Reparação” (“Remembrance, Truth, Justice and Reparation”) filed a suit against VW

<sup>28</sup> Letter printed in the monthly bulletin written by Italian confidants ‘Il nostro Lavoro’. Ed. by IG Metall Wolfsburg, September 1970, p. 6.

<sup>29</sup> Armando Gobato, quoted as in: <https://www.zeit.de/sport/2012-10/gastarbeiter-fussball-wolfsburg-vw>.

<sup>30</sup> Cf.: Dachverband der Kritischen Aktionäre: Pressemitteilung Nr.15/2015 vom 22. September 2015, Köln/Berlin. Page 2.

<sup>31</sup> “Blacklists”: Even in ancient Rome, many dictators kept lists of the names of disliked, political opponents and those to be executed. Blacklists in a contemporary understanding is a state-run persecution measure against the workers’ movement: defiant employees were and are listed by the secret police or private detective agencies, to exclude them from any further employment and to pursue them by lawful as well as by illegal means. In fascism, this kind of repression was pushed to the extreme. Those that were listed were constantly under strict surveillance and often arrested, tortured and murdered. The bereaved colleagues were therefore deprived of the opportunity to exercise their interests.

<sup>32</sup> Cf.: Kopper, Christoph: VW do Brasil in der brasilianischen Militärdiktatur 1964-1985. Wolfsburg, 2017, See also Guaracy Mingarfi Report.

<sup>33</sup> Cf.: *ibid.*; The OBAN prison and torture center in Sao Paulo served the Brazilian military junta in suppressing their political opponents and the workers’ movement. See also: <https://www.kooperation-brasilien.org/de/themen/menschenrechte-gesellschaft/50-jahre-militaerputsch/neueste-erkenntnisse-im-fall-volkswagen-do-brasil-und-kollaboration-mit-der-brasilianischen-militaer-diktatur>.

<sup>34</sup> Süddeutsche Zeitung vom 16.02.1973.

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DP BRAZIL with the state prosecutor in São Paulo.<sup>35</sup> Until the extensive study was released VOLKSWAGEN silenced a disagreeable company historian. Nevertheless, the studies released in 2017 – one by VW, the other from the state prosecutor in São Paulo – brought the crimes to public scrutiny. But even following the release and to this day the company refuses to publicly apologize the victims and their families or to pay appropriate reparations.<sup>36,37</sup>

When it comes to its suppliers VOLKSWAGEN always goes for the most profitable deal, accepting all kinds of human rights violations in the process: The platinum for its catalysts for example were purchased from the South African mining company LONMIN<sup>38</sup>, and it continued to do so even after it had 34 miners murdered in the so called “massacre of Marikana”.<sup>39</sup>

60% of the cobalt, to be used in the batteries of its supposedly climate-friendly electric cars, is sourced from Congo. To mine this rare resource enslaved child laborers, who frequently die in collapsing mines, are used under the supervision of predatory military gangs.<sup>40</sup>

As early as the 1970s some of the heirs of Porsche and Piëch started to work on the takeover of the largest German car manufacturer and its reestablishment under private and patriarchal rule. First the Porsche-Piëch-clan grew its share in the company to 18.53%. While Ferdinand Piëch, who was named chief executive in 1993, became known for his “company culture of command and obedience”.<sup>41</sup>

The VW-law was passed over by the European Court of Justice already in 2007, when shareholders won against the legal opinion of the unions and defended the shareholders’ freedom against co-management. After momentary nearly came about that PORSCHE was bought out by VOLKSWAGEN, now the path was free for purchasing the majorities of VOLKSWAGEN. The Porsche-Piëch-heirs founded the holding company PORSCHE AUTOMOBILE HOLDING SE and through the use of so called “cash set-

<sup>35</sup> On the 22nd of September, 2015 the Brazilian human rights group „Memória, Verdade, Justiça e Reparação“ filed a lawsuit against VW in Brazil.

<sup>36</sup> Cf.: Kopper, Christoph: VW do Brasil in der brasilianischen Militärdiktatur 1964-1985. Wolfsburg, 2017, see also Guaracy Mingarfi report.

<sup>37</sup> [https://www.kritischeaktionäre.de/fileadmin/Dokumente/VW/VW\\_HV\\_2018/VW-HV-2018-Rede-Christian\\_Russau.pdf](https://www.kritischeaktionäre.de/fileadmin/Dokumente/VW/VW_HV_2018/VW-HV-2018-Rede-Christian_Russau.pdf).

<sup>38</sup> Following the interests of the South African mining company LONMIN, police officers murdered 34 striking miners on 16 August, 2012. This was known as the massacre of Marikana. Cf.: [https://de.wikipedia.org/wiki/S%C3%BCdafrikanischer\\_Bergarbeiterstreik\\_2012](https://de.wikipedia.org/wiki/S%C3%BCdafrikanischer_Bergarbeiterstreik_2012).

<sup>39</sup> Cf.: Press Release of Kritische Aktionäre:

[https://www.kritischeaktionäre.de/fileadmin/Dokumente/Lonmin/Lonmin\\_AGM\\_2018/PM\\_Lonmin\\_AGM\\_deutsch\\_2018-03-08.pdf](https://www.kritischeaktionäre.de/fileadmin/Dokumente/Lonmin/Lonmin_AGM_2018/PM_Lonmin_AGM_deutsch_2018-03-08.pdf) Zuletzt geöffnet am 08.08.2018.

<sup>40</sup> Electric cars, like smartphones, contain rare cobalt, which is mainly mined by children in Congo. Paramilitary gangs consciously target and force children into working this extremely strenuous and dangerous job, as they are sent into narrow and regularly collapsing mine tunnels. In 2016, Amnesty International revealed that these blood-stained raw materials are primarily used by major technology companies such as Apple and Samsung, but also by the automobile manufacturer VOLKSWAGEN. For that see:

<http://www.faz.net/aktuell/feuilleton/kobaltgewinnung-durch-kinderarbeit-in-kongo-14024437.html> sowie FAZ vom 15.11.2017:

[www.faz.net/aktuell/wirtschaft/mehr-wirtschaft/kinderarbeit-im-kongo-amnesty-sieht-autokonzern-in-der-pflicht-15292622.html](http://www.faz.net/aktuell/wirtschaft/mehr-wirtschaft/kinderarbeit-im-kongo-amnesty-sieht-autokonzern-in-der-pflicht-15292622.html)

<sup>41</sup> At a clan meeting in 1970, he is said to have skilfully outlined family relationships when he said to the other heirs, “I am the boar, you are the domestic pigs!” Whether provider or self-sufficient - he called them all pigs. Cf.: Frankfurter Rundschau in 17.10.2017: [www.fr.de/kultur/netz-tv-kritik-medien/tv-kritik/die-volkswagen-story-ich-bin-das-wildschwein-a-a1369838.2](http://www.fr.de/kultur/netz-tv-kritik-medien/tv-kritik/die-volkswagen-story-ich-bin-das-wildschwein-a-a1369838.2)

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tled equity swaps<sup>42</sup> and the support of the VW-directorate<sup>43</sup> purchased the majority of stocks of one of the biggest companies in the world by 2009.<sup>44</sup> After more than 50 years the heirs of the nazi criminals Porsche and Piëch are back to pulling the strings at VOLKSWAGEN.

At the same time VOLKSWAGEN became a laboratory for attacks on worker's rights. From 2001 until 2009 VOLKSWAGEN used its subsidiary "Auto 5000", to produce, under exception from the shop labor agreement, with lower wages and higher working hours in its factory in Wolfsburg.<sup>45</sup> Besides the head of human resources Peter Hartz, the German Chancellor at the time, Gerhard Schröder, took part in the model "Auto 5000" in an advisory role.<sup>46</sup> Even if the union IG Metall portrays the agreement on the limitation of labor leasing within German factories as a victory, VOLKSWAGEN, despite its responsibility as a partially state-owned company, took a leading role in the reduction of wages through the usage of subsidiary companies. And so the way was cleared to undermine co-management and employment relationships in all of Germany.<sup>47</sup> To secure the company's politics from inside threats, management bribed its leadership and work councils with money, luxury vacations and prostitutes. Only due to random internal factionalism did the criminal swamp turn up in headlines in 2005. Head of work council Klaus Volkert finally went to prison for two years and nine months. The punishments for his benefactors Peter Hartz and the division head of ŠKODA, Helmuth Schuster, on the other hand were turned into parole sentences.<sup>48</sup> It's no surprise, that under these circumstances the worker's councils and unions agreed to the takeover of VOLKSWAGEN through PORSCHE HOLDING and in the summer of 2006 the cancellation

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<sup>42</sup> „cash settled equity swaps“: An off- stock market barter exchange transaction that trades the expected course of stock prices. This business is often used in hostile takeovers. In doing so, the attacking company is betting on the expected increase in the share price of its target company, as takeover announcements usually increase the share price. The banks, with which the attacking company arranges the barter, secures itself by the purchase of shares of the target enterprise and tries to sell these after the increase in value again. At this point, the attacking company offers itself as a buyer. Cf.: [https://de.wikipedia.org/wiki/Equity\\_Swap](https://de.wikipedia.org/wiki/Equity_Swap).

<sup>43</sup> The family owns only 16 percent of the VW capital, but has the absolute majority of votes at the Annual Shareholder Meeting - and thus the power. Concerning the gradual privatization and the creeping takeover by the family Porsche-Piëch the following article from the "Zeit" is recommended. It should be noted, however, that despite the correct presentation of the ownership status as of 2016, the article backs up the implausible thesis that the board and the owners did not know about the fraudulent software. Cf. <https://www.zeit.de/2016/02/porsche-piech-volkswagen-macht-neue-generation>.

<sup>44</sup> Cf. <http://www.faz.net/aktuell/wirtschaft/unternehmen/porsche-uebernimmt-vw-ferdinand-piech-autoimperator-am-ziel-1517846.html> sowie <https://de.reuters.com/article/deutschland-firmen-porsche-zf-idDECHUM64903220080916>.

<sup>45</sup> Auto 5000": Through this subsidiary firm VW employed from 2001 to 2008 to significantly lower wages outside the usual collective wage agreements with IGM. <https://www.handelsblatt.com/unternehmen/industrie/autobranche-vw-beendet-das-projekt-auto-5000/3047874.html?ticket=ST-9237611-J74gHKvUTBhRd6BASfAF-ap3>.

Although colleagues were able to secure permanent positions at the parent company in 2009 and thus caused the dissolution of the "Auto 5000", but the project served many times as a reference for similar foundings of subcontractors in the Federal Republic. The more flexible working conditions were the more they were and still are praised by neoliberal economy philosophers. Cf.:

[https://www.zeit.de/2006/25/VW-sofi\\_xml](https://www.zeit.de/2006/25/VW-sofi_xml)

See also this moving statement of an affected worker: <http://archiv.labournet.de/branchen/auto/vw/5000/petzold.html>.

<sup>46</sup> <http://www.faz.net/aktuell/wirtschaft/unternehmen/automobile-vw-erklart-auto-5000-zum-tarif-vorbild-1327492.html>.

<sup>47</sup> Since the end of postwar prosperity in the 1970s, aggravated by mass unemployment and accelerated by the end of systemic competition to socialism since the 1990s, social benefits such as pension contributions and benefits for the unemployed have been dramatically cut in the Federal Republic and the former GDR. For further reading see also: [https://www.boeckler.de/51553\\_51569.htm](https://www.boeckler.de/51553_51569.htm).

<sup>48</sup> Cf.: <http://www.taz.de/1485078/>, auch <https://www.handelsblatt.com/unternehmen/industrie/zehn-jahre-vw-affare-gcbaucr-wo-bleiben-die-weiber/11972752.html?ticket=ST-32016-uAhcXWNKHNZpVvNaW92l-ap3>.

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of the 28.8 hour work week, that had been one in fierce labor struggles, was accomplished without an increase in wages.<sup>49</sup>

It's not only workers rights and health, but also the rights of future generations and the principal of sustainability that is being sacrificed for profits at VOLKSWAGEN. Despite the claims the company leadership makes in its report on sustainability, VOLKSWAGEN is one of the most dirty and destructive companies of the world.

The oil companies were already aware of the murderous consequences of fossil fuels in full detail by the 1970s.<sup>50</sup> The automotive industry has also long since known about the role motorized individual traffic plays for climate change and inner city pollution. Despite this the leading companies in the industry – at the head of it VOLKSWAGEN – continue to hold onto their short-term business model for the sake of profit and actually put cars on the roads that are more and more destructive to humans and the environments, instead of investing their enormous resources in more sustainable propulsion techniques and more importantly in expansion of public transport. The German car lobby had an immense impact on 20<sup>th</sup> century urban planning in favor of cars and to this day fights against car-free inner cities and speed limits on the Autobahn.<sup>51</sup>

Only with this in mind, is it possible to understand the so-called "diesel scandal", which has dominated reports on VOLKSWAGEN since 2014.<sup>52</sup> VOLKSWAGEN's management consciously decided on one of the most dirty businesses on the planet and on tricking the public and its customers about the dangers of this business. While especially China's giant market continues to turn to electric mobility and

<sup>49</sup> Cf.: <http://www.spiegel.de/wirtschaft/autoindustrie-vw-will-28-8-stunden-woche-kippen-a-421025.html>, auch <https://www.stern.de/wirtschaft/news/vw-zurueck-zur-35-stunden-woche-3602016.html>.

<sup>50</sup> At least since the 1970s, the oil companies Shell, BP and Exxon Mobile were aware of the predicted catastrophes that were already causing and will cause greenhouse gas emissions, especially CO<sub>2</sub>: Extreme weather events, famine, floods and systemic flight - to a large extent, the scenarios were the same as the current knowledge we have about the imminent consequences of fossil fuels. However, the oil giants, as well as the automobile industry did not abandon their murderous business models and instead invested in lobby groups that were instructed to delegitimize the alarming warnings. Cf.: <https://www.solarify.eu/2017/03/05/111-ockkonzerne-wussten-vom-klimawandel/>

<sup>51</sup> As early as 1986, the German Association of the Automobile Industry made the Kohl government give in and delayed the introduction of climate-friendly technologies by three years: Achim Dickmann, then Managing Director of the German Association of the Automobile Industry, reckoned the government that the installation of the then newly introduced catalytic converters would lower the sales of automobiles and thereby endanger jobs. Cf.: [https://www.boeckler.de/51553\\_51569.htm](https://www.boeckler.de/51553_51569.htm). As well as: <https://www.br.de/radio/bayern2/kampf-um-den-kat-in-den-80er-jahren-100.html>. How far cartelization and the joint approach of the automobile industry in politics were, documents that were disclosed to the public as a result of several criminal investigations clarified the following: After June 23rd, 2016 VW and Daimler were searched, illegal agreements and a cartel formation of the five largest German automobile manufacturer VOLKSWAGEN, BMW, AUDI, PORSCHE and DAIMLER come to light, some dating back to the 1990s. Since then, vehicle technology developments, costs, suppliers, markets and strategies have been illegally aligned. The "Süddeutsche" suspected the "biggest economic scandal since the Second World War". Cf.: <https://www.sueddeutsche.de/wirtschaft/kartell-vorwurfe-gegen-vw-audi-porsche-daimler-und-bmw-unguehrer-verdacht-gegen-deutsche-autokonzerne-1.3597752>. These agreements may also include the manipulation of pollutant emissions from diesel engines. As a result, the DAIMLER management sued itself in order to avoid antitrust fines as a key witness. However, the statements made ultimately did not help the disclosure of the agreements. <https://www.handelsblatt.com/unternehmen/industrie/kartellvorwurfe-eu-kommission-durchsucht-daimler-und-vw-20491704.html?ticket=ST-9341759-ajVMlYf0Qf2Q2N772ru-ap3>.

<sup>52</sup> See also: Henry Mintzberg, „Don't call it a scandal!": <https://www.theglobeandmail.com/report-on-business/rob-commentary/volkswagen-corruption-crisis-isnt-a-scandal-hits-a-syndrome/article26479332/>.

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public transport, Germany's car manufacturers were working on a rouge syndicate with all big European car-manufacturers and criminally deceived the public with its "clean diesel" motors. Although it was already known in 2005, as witnesses later testified, that the announced "clean-diesel" wouldn't be able to fulfill exhaust requirements. Without further ado the companies placed their bets on cheating-software, that produced the necessary requirements in testing environments, so the environmentally destructive cars could be approved. Already in 2007 supplier BOSCH warned the company headquarters about the usage of such cheating-software.

The network of lies VOLKSWAGEN built up along with the European automotive industry with its cheating-software, began to unravel in 2014. In the USA investigations against VOLKSWAGEN were starting. At first the German automotive-giant tried to play down the scandal and tried to get individual accusations out of the way through bribery. In September 2015 the US environmental agency EPA announced, that VOLKSWAGEN knowingly committed fraud through the use of its cheating-software. At first 482,000 car owners were affected. From then on one story after another was unveiled, going on to this day. It is the largest act of criminal fraud in automotive history. In the summer of 2018 it became known, that just VOLKSWAGEN along with its subsidiaries sold at least eleven million cars with cheating-software worldwide. Beyond that the scandal led to the uncovering of nitrogen level violations in approximately half of all diesel cars in existence.<sup>53</sup> To this day the range of these crimes and the necessary corruption in politics hasn't been comprehensively brought to light. Although some managers are now imprisoned, it doesn't look like criminals in the upper echelons are going to face justice. Not to mention the major stockholders behind them. They haven't even been part of the picture so far.

The corruption is hardly a topic in this context, either. At least at became known, that between January 2015 and July 2017 148 employees in the US received "stay-here-bonuses" that totaled 4.5 million dollars. At least ten of these beneficiaries were interviewed as witnesses of the emission fraud.<sup>54</sup> And the "hushmoney" for Martin Winterkorn and the former minister of justice, Christine Hohmann-Dennhardt, who had been ordered to illuminate the scandal, of 17.5 and 12 million euros respectively came to light.<sup>55</sup> However so far there haven't been any larger consequences.

Far more scandalous than the crimes at the expense of humanities health after all was the purchase of politicians. Not only has the minister president of Lower Saxony, Stephan Weil, agreed to the aforementioned clearing of the scandal, including the horrendous bonuses<sup>56</sup>, but the federal government

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<sup>53</sup> Cf.: [https://www.ndr.de/nachrichten/niedersachsen/braunschweig\\_harz\\_goeettingen/Die-VW-Abgas-Affare-cinc-Chronologie,volkswagen892.html](https://www.ndr.de/nachrichten/niedersachsen/braunschweig_harz_goeettingen/Die-VW-Abgas-Affare-cinc-Chronologie,volkswagen892.html) sowie <https://www.mdr.de/nachrichten/wirtschaft/vw-diesel-skandal-chronik-100.html>.

<sup>54</sup> Cf.: Tagesschau vom 03.04.2018: <https://www.tagesschau.de/wirtschaft/vw-retention-bonus-101.html>.

<sup>55</sup> Cf.: Süddeutsche Zeitung vom 01.02.2017: <https://www.sueddeutsche.de/wirtschaft/vw-aufklaererin-hohmann-dennhardt-warum-vw-vorstaeude-millionen-betrage-bekommen-1.3357504>.

<sup>56</sup> Cf.: „FAZ“ vom 01.02.2017: [www.faz.net/aktuell/politik/inland/warum-vw-gelder-an-geschasste-manager-ein-problem-fuer-die-spd-sind-14817731.html](http://www.faz.net/aktuell/politik/inland/warum-vw-gelder-an-geschasste-manager-ein-problem-fuer-die-spd-sind-14817731.html)

International ethecon Black Planet Award 2018  
to Herbert Diess (CEO), Hans-Dieter Pötsch (chairman of the supervisory board),  
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also ducked away from consequences for the largest German company. The role of the traffic minister in this criminal syndicate hasn't even been a topic. It is a fact, that VOLKSWAGEN management had a tight grip on politicians in Berlin as well as in Brussels and could secure advantageous corrections of CO<sub>2</sub>-limits and beneficial good will calculations for more accurate emission measurements.<sup>57</sup>

So far VOLKSWAGEN has merely had to pay a fine of around 25 billion dollars in the US. In Germany the company has been allowed to avoid responsibility after paying a blowoff sum of one billion euros<sup>58</sup>. Both payments come up to less than 11% of yearly sales. At horrendous yields and even more horrendous profits...

Along with the diesel-fraud the automotive industry, lead by VOLKSWAGEN, made other efforts to deceive the public regarding the dangers of fossil fuels. To achieve this the automotive industry likes to pose as unsuspecting science, such as "Europäische Forschungsvereinigung für Umwelt und Gesundheit im Transportsektor" ("European Research Association for Environmental Protection and Health in Transport"). This "lobby-arm of the German automotive industry"<sup>59</sup>, financed by VOLKSWAGEN and Co, commissioned experiments with diesel fumes on apes in 2014, to counter research by the World Health Organization showing carcinogenic effects of diesel two years earlier. Without a doubt diesel was supposed to be made clean for the public. The research results of this animal torture apparently weren't helpful, they were never published.

On the large IT trade fair in Hannover, Cebit, in 2018, VOLKSWAGEN's strategists presented their research proposals in the field of "Traffic-Optimization with quantum computing". In cooperation with Google they want to develop "experimental algorithms", which automate our traffic. Especially experimental quantum computing is supposed to be highly dangerous.<sup>60</sup>

In the meantime directors and major shareholders of VOLKSWAGEN have had their crimes measured in gold. As the patriarch of the Porsche-family with an assumed wealth of 18.45 billion euros, Wolfgang Porsche is currently listed on 7<sup>th</sup> position of the richest Germans.<sup>61</sup>

Besides the PORSCHE HOLDING SE the state of Lower Saxony is, with still 20.2% of shares, the second largest shareholder. Its representative, prime minister Stephan Weil (SPD), has been part of the companies board of directors since 2013. In 2015, it became known, that he had a speech for the state government rewritten by VOLKSWAGEN lobbyists.<sup>62</sup>

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<sup>57</sup> Cf.: Markus Dufner: Erklärung des Dachverbandes Kritische Aktionäre auf der Hauptversammlung VOLKSWAGEN 2017.

<sup>58</sup> Cf: <http://www.dpa-international.com/topic/volkswagen-accepts-fine-1-billion-euros-emissions-scandal-180613-99-709481>.

<sup>59</sup> Cf.: „Zeit“ vom 31.01.2018: <https://www.zeit.de/mobilitaet/2018-01/cugt-abgas-affenversuche-autoindustrie-volkswagen-daimler>.

<sup>60</sup> Cf.: <https://www.volkswagenag.com/de/news/stories/2017/11/volkswagen-group-quantum-computing.html>.

<sup>61</sup> Cf.: <https://www.ansbachplus.de/2018/09/05/das-sind-die-reichsten-deutschen/>.

<sup>62</sup> Cf.: <https://www.zeit.de/politik/deutschland/2017-08/niedersachsen-stephan-weil-volkswagen>.



International ethecon Black Planet Award 2018  
to Herbert Diess (CEO), Hans-Dieter Pötsch (chairman of the supervisory board),  
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Hans Dieter Pötsch has been a member of the directorate of VOLKSWAGEN AG since 2003. As head of finances he was not only responsible for rescinding wages and benefits, while still having enough time for so many private travels on company accounts, that VW made him pay back 531,310 euros in 2013. After the diesel-fraud was made public, he changed from management to the lead of the board of directors mimicking the great investigator of the accusations. For his earnings 2015 to 2017 he had a contractually guaranteed wage of 19.7 million euros. When negotiating his wage he put the business year of 2014 – before the diesel-fraud became public - forward as a standard for calculating it. At this point in time Pötsch could have already suspected, that VOLKSWAGEN might reach an “existence threatening crisis”.<sup>63</sup> At the same time he is on the board of directory of the umbrella association PORSCHE HOLDING SE until at least 2022 and responsible for finances again.

Since the crisis year of 2015 Herbert Diess has been chairman of the board of managers and in charge of the VOLKSWAGEN passenger car marque. For his workplace change he was compensated with 7.2 million euros and 2016 he received 1.3 million in wages and a bonus of 1.9 million euros.<sup>64</sup>

VOLKSWAGEN's management is not only responsible for unimaginable damages to human health up to millions of deaths, but also for the ruin of ecology, first of all the climate, in irreparable ways and with devastating consequences for humanity and the planet. For these crimes ethecon awards the international ethecon Black Planet Award 2018 to managers Herbert Diess (Chairman of the board of management) and Hans-Dieter Pötsch (Chairman of the supervisory board) as well as the major stockholders Wolfgang Porsche (PORSCHE HOLDING SE) and Stephan Weil (Prime Minister of Lower Saxony), thus putting them up to global public scrutiny. It is especially scandalous that union organizers such as Bernd Osterlohe have let themselves be roped in to these crimes. They have brought shame onto unions and damaged the labor movement.

Directorate and the board of trustees of ethecon summarize their decision to award the Black Planet Award 2018 to major shareholders Wolfgang Porsche and prime minister Stephan Weil as well as managers Hans Dieter Pötsch (Chairman of the supervisory board) and Herbert Diess (Chairman of the board of management) as follows:

„Primarily responsible for the decisions and actions of the world's largest automotive corporation VOLKSWAGEN (Germany) are the aforementioned senior managers and principal stockholders. They own significant parts of the company. They are largely in charge of the company's decision making. They are responsible for ruining human health and big time environmental destruction, yes even for the death of a lot of people. They are not only a danger for peace and human rights, but also for democracy, ecology and for mankind in general. They act for their own private monetary and power

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<sup>63</sup> Cf.: <http://www.manager-magazin.de/unternehmen/autoindustrie/volkswagen-viel-mehr-geld-als-bekannt-fuer-hans-dieter-poetsch-a-1088740.html>.

<sup>64</sup> Cf.: <https://www.wiwo.de/unternehmen/auto/vorstandsgaehalter-so-viel-kassiert-der-vw-boss-2016/19514158.html>.



International ethecon Black Planet Award 2018  
to Herbert Diess (CEO), Hans-Dieter Pötsch (chairman of the supervisory board),  
Wolfgang Porsche (major shareholder / PORSCHE HOLDING SE)  
and Stephan Weil (major shareholder / prime minister of lower saxony / Germany)  
of the world's largest carmaker VOLKSWAGEN (Germany)

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gains. For that they trample on morality and ethics and gladly accept the demise of our earth as a Black Planet.

ethecon views the actions of Herbert Diess and Hans Dieter Pörsch as well as major stockholders Wolfgang Porsche and Stephan Weil of the worlds-largest automotive company VOLKSWAGEN (Germany) as a shocking contribution to the ruin and destruction of our blue planet. For this shocking mistreatment and the violation of humane ethics the ethecon foundation ethics & economics dispraises the aforementioned responsible people at VOLKSWAGEN with the international ethecon Black Planet Award 2018

Berlin, 21st September 2018<sup>65</sup>

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<sup>65</sup> It is with full intention that Foundation ethecon chose 21st September for the declaration of the decision about the awardees of both the annual ethecon Awards: 21st September is International Day of Peace.



International ethecon Black Planet Award 2018  
to Herbert Diess (CEO), Hans-Dieter Pötsch (chairman of the supervisory board),  
Wolfgang Porsche (major shareholder / PORSCHE HOLDING SE)  
and Stephan Weil (major shareholder / prime minister of lower saxony / Germany)  
of the world's largest carmaker VOLKSWAGEN (Germany)



### Contact details

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Hans Dieter Pötsch  
Chairman of the supervisory board  
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Wolfgang Porsche (major shareholder)  
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President of „Familie Porsche limited“

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Austria

As well as

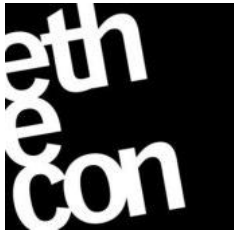
Suite 1, 3rd Floor

11-12 St. Jame's Square

London, SW1Y 4LB

United Kingdom





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International ethecon Black Planet Award 2018  
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Wolfgang Porsche (major shareholder / PORSCHE HOLDING SE)  
and Stephan Weil (major shareholder / prime minister of lower saxony / Germany)  
of the world's largest carmaker VOLKSWAGEN (Germany)

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### Selected internet links

[http://www.spiegel.de/thema/abgasaffaere\\_bei\\_volkswagen/](http://www.spiegel.de/thema/abgasaffaere_bei_volkswagen/)

<https://www.handelsblatt.com/unternehmen/industrie/dieselskandal-bereit-zum-kompromiss-warum-vw-vielen-dieselskunden-vor-gericht-entgegenkommt/23107680.html?ticket=ST-2088939-00xCAu9HhQWbRsUTIG5b-ap5>

<https://boerse.ard.de/aktien/volkswagen-kann-nicht-klagen100.html>

<http://www.spiegel.de/wirtschaft/unternehmen/volkswagen-broadcom-verlangt-von-vw-eine-milliarde-dollar-a-1236443.html>

<https://www.jungewelt.de/loginFailed.php?ref=/artikel/342855.vw-baut-auf-die-gerichte.html>

<https://www.jungewelt.de/artikel/340837.nestfl%C3%BCchter-des-tages-volkswagen-ag.html>

<http://www.spiegel.de/wirtschaft/unternehmen/volkswagen-skandal-die-wichtigsten-daten-und-fakten-zur-abgasaffaere-a-1058920.html>

<https://corporate-watch.org>

<http://corpwatch.org>

International ethecon Black Planet Award 2018  
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of the world's largest carmaker VOLKSWAGEN (Germany)

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### **Selected non-governmental organisations**

- > Amnesty International Deutschland  
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- > Deutsche Umwelthilfe (DUH)  
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- > Forschungs- und Dokumentationszentrum Chile-Lateinamerika e.V. (FDCL)  
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Internet [www.greenpeace.de](http://www.greenpeace.de)
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> Multiwatch

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Internet [www.vvn-bda.de](http://www.vvn-bda.de)

International ethecon Black Planet Award 2018  
to Herbert Diess (CEO), Hans-Dieter Pötsch (chairman of the supervisory board),  
Wolfgang Porsche (major shareholder / PORSCHE HOLDING SE)  
and Stephan Weil (major shareholder / prime minister of lower saxony / Germany)  
of the world's largest carmaker VOLKSWAGEN (Germany)

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## **Justification**

**for awarding the International ethecon Black Planet Award 2018 to  
Herbert Diess (Chairman of the administrative board),  
Hans-Dieter Pötsch (chairman of the supervisory board),  
Wolfgang Porsche (major shareholder / PORSCHE HOLDING SE) and  
Stephan Weil (major shareholder / prime minister of lower saxony/Germany)  
of the world's largest automaker VOLKSWAGEN AG (Germany)**

Via the international Black Planet Award the foundation will be denouncing:  
Herbert Diess (chairman of the management board) and  
Hans-Dieter Pötsch (chairman supervisory board) as well as  
the controlling stockholder Wolfgang Porsche (PORSCHE HOLDING SE)  
and Stephan Weil (prime minister of lower saxony/Germany)  
of the world's biggest automaker VOLKSWAGEN AG (Germany)

The International Black Planet Award 2018 will be presented - as a consequent addition to the International ethecon Blue Planet Award 2018 as well as referring to the aims of ethecon foundation ethics & economy - to the named awardees, because they spurn basic ethical principles in an outstanding way within the area of conflict about ethics and economy and such endanger the Blue Planet.

ethecon is naming and shaming them with the International ethecon Black Planet Award 2018, as they have to account for oppression, exploitation, violations of human rights, destruction of nature and social misery.

These individuals – Herbert Diess, Hans-Dieter Pötsch, Wolfgang Porsche and Stephan Weil – act ruthless, sly, affected by low motives and only for their personal advantage. For their ambitions for power and profit they accept the planet's ruin into a Black Planet. They show what is generally called unscrupulousness and egotism.

In a world increasingly driven by profit as the only criterion for any decision and development this tiny powerful group is pitted against the interests of humanity. They are highly privileged, tied into global networks and supported by major capital interests. Always well secured and protected, they are autocratic and increasingly above any laws and jurisdictions. But they are the ones to be blamed for exploitation and environmental destruction.

The awardees are vilified with the International ethecon Black Planet Award 2018 and personally denounced, representing all those endangering the "Blue Planet" and risking its demise to a "Black Planet". Their vilification is meant as a cautionary example to themselves and us all.

International ethecon Black Planet Award 2018  
to Herbert Diess (CEO), Hans-Dieter Pötsch (chairman of the supervisory board),  
Wolfgang Porsche (major shareholder / PORSCHE HOLDING SE)  
and Stephan Weil (major shareholder / prime minister of lower saxony / Germany)  
of the world's largest carmaker VOLKSWAGEN (Germany)



The International ethecon Black Planet Award sees itself as a mobilisation for the fight for peace, justice and environmental protection and against warmongering, exploitation and environmental destruction. It is meant to sensitise and alert the public, uncover the context and those responsible and strengthen the resistance against environmental destruction, exploitation and injustice.

The board of trustees and the management of ethecon have based their decision on news reports, on publicly known facts, on information collected by journalists from all over the world, on publicly available documents, on investigations by government departments and environmental organisations in various countries and last but not least on material published by VOLKSWAGEN AG itself.

Generally, it is assumed that the justification for the decision would have been more forceful and comprehensive if all information had been fully available, including any internal and external, covered-up or destroyed information.

From the wealth of facts researched in the course of the selection process of the International ethecon Black Planet Award 2018 to Herbert Diess (Chairman of the Management Board), Hans-Dieter Pötsch (chairman of the supervisory board), Wolfgang Porsche (major shareholder / PORSCHE HOLDING SE) and Stephan Weil (major shareholder / prime minister of lower saxony) of the world's biggest automaker VOLKSWAGEN AG (Germany) we now present only a few examples:

During World War II VOLKSWAGEN produced military vehicles and rockets for the Wehrmacht. The management of VOLKSWAGEN personally worked for the success of the German war of aggression and annihilation. They used forced labour of thousands of prisoners of war and inmates of concentration camps - and even ran their own concentration camp "Arbeitsdorf" in Wolfsburg. To this day VOLKSWAGEN refuses to pay adequate reparations to survivors or their families.

After the war VOLKSWAGEN has continued to produce in countries of the global south, taking advantage of fascist rule and anti-union conditions. In Brazil they even supported a military coup in 1964 and later cooperated in the monitoring, arresting, torturing and killing of union-members and fierce workers. Today VOLKSWAGEN still procures raw materials from the Congo extracted by child- and slave labour, and profits from massacres against miners by the hands of its South African suppliers.

VOLKSWAGEN stands for a corrupt corporate culture due to its intransparent transitions between the managing and the supervising board and due to its repeated scandals of bribing the supervisory management, the workers' council and politician. Managers and public major shareholders of VOLKSWAGEN enabled the takeover by the now controlling shareholder PORSCHE HOLDING SE and accelerated the concentration of power in private hands. Thereby they eroded the progressive „Volkswagen bill“, which used to ensure public control and workers participation in the company.

International ethecon Black Planet Award 2018  
to Herbert Diess (CEO), Hans-Dieter Pötsch (chairman of the supervisory board),  
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VOLKSWAGEN holds on to a model of mobility, which is based on individual traffic and internal combustion engines, although it is proven to cause disease and death by pollution and even climate change. The management of VOLKSWAGEN holds on to this destructive and fatal business model and even deceives the world public on the true outcome of this demolition.

By installing cheating-software in its Diesel-engines and also by its lobbying of politics, the management of VOLKSWAGEN prevents a successful legal approach to battle climate change and the pollution of the air. By paying hush-money to former executive employees and by the former CEO Ferdinand Piëch refusing to give evidence to the parliamentary commission of enquiry, the management absconds from justice up to this day. As a world market leader VOLKSWAGEN, especially the executive management and the major shareholders, are responsible for the global gridlock, the worldwide, lethal pollution of urban areas and even climate change.

At the same time they counter this responsibility with untenable propaganda, trivialize their history, silence irksome historians and green-wash their ugly chains of supply instead of investing this tremendous amount of money in a sustainable business model.

In their decision to pillory Herbert Diess (Chairman of the Management Board), Hans-Dieter Pötsch (chairman of the supervisory board), Wolfgang Porsche (major shareholder / PORSCHE HOLDING SE) and Stephan Weil (major shareholder / prime minister of lower saxony) of the world's biggest automaker VOLKSWAGEN AG (Germany) the board of trustees and management of ethecon expressly refers to the 1994 proposal of the Permanent Peoples' Tribunal (PPT) for an international Charter on "Human rights and industrial risks" and the UN Charter of the Universal Declaration of Human Rights.

### **The board of trustees and executive committee of ethecon declare:**

Those primarily responsible for the decisions and actions of the automaker VOLKSWAGEN (Germany) are Herbert Diess (Chairman of the Management Board), Hans-Dieter Pötsch (chairman of the supervisory board), Wolfgang Porsche (major shareholder / PORSCHE HOLDING SE) and Stephan Weil (major shareholder / prime minister of lower saxony). They own the corporation. They run the company. They are responsible for the ruin of human health, the large-scale destruction of the environment and even the death of many people. They not only pose a threat for peace and human rights, but also for democracy, ecology and humanity as a whole. They act for personal power and private benefit. To this end they trample on moral and ethics and accept the ruin of the earth as black planet.

In ethecon's view the actions of Herbert Diess (Chairman of the Management Board), Hans-Dieter Pötsch (chairman of the supervisory board), Wolfgang Porsche (major shareholder / PORSCHE HOLDING SE) and Stephan Weil (major shareholder / prime minister of lower saxony) are a shocking contribution to the ruin and destruction of our blue planet. For this appalling disregard and violation of human ethics ethecon –



International ethecon Black Planet Award 2018  
to Herbert Diess (CEO), Hans-Dieter Pötsch (chairman of the supervisory board),  
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and Stephan Weil (major shareholder / prime minister of lower saxony / Germany)  
of the world's largest carmaker VOLKSWAGEN (Germany)



Foundation Ethics & Economics vilifies the responsible persons of VOLKSWAGEN with the International ethecon Black Planet Award 2018.

ethecon campaigns alongside national and international anti-globalization activists to bring Herbert Diess (Chairman of the Management Board), Hans-Dieter Pötsch (chairman of the supervisory board), Wolfgang Porsche (major shareholder / PORSCHE HOLDING SE) and Stephan Weil (major shareholder / prime minister of lower saxony) and all other responsible managers and controlling shareholders to justice. They should be held accountable for their financial and environmental crimes and the damages VOLKSWAGEN caused to the health of millions.

**The International ethecon Black Planet Award 2018 to Herbert Diess (Chairman of the Management Board) and Hans-Dieter Pötsch (Chairman of the Supervisory Board) as well as the major shareholders Wolfgang Porsche (PORSCHE HOLDING SE) and Stephan Weil (prime minister of lower saxony) of the world's largest automaker VOLKSWAGEN (Germany) will be presented together with the International ethecon Blue Planet Award 2018 to the peace activist Mary Ann Wright (USA) in a public ceremony in Berlin on 17th November 2018.**

Berlin, International Day of Peace 21st September 2018<sup>66</sup>

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<sup>66</sup> It is with full intention that Foundation ethecon chose 21st September for the declaration of the decision about the awardees of both the annual ethecon Awards: 21st September is International Day of Peace.

International ethecon Black Planet Award 2018  
to Herbert Diess (CEO), Hans-Dieter Pötsch (chairman of the supervisory board),  
Wolfgang Porsche (major shareholder / PORSCHE HOLDING SE)  
and Stephan Weil (major shareholder / prime minister of lower saxony / Germany)  
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## **Open Letter**

**to the chairman of the board Herbert Diess, the chairman of the supervisory board Hans-Dieter Pötsch, as well as the major shareholders Wolfgang Porsche (PORSCHE HOLDING SE) and Stephan Weil (prime minister of lower saxony), of the world's largest automaker VOLKSWAGEN (Germany)**

Mr. Diess, Mr. Pötsch,  
Mr. Porsche, Mr. Weil,

today, November 17th 2018, the International ethecon Black Planet award 2018, announced by the ethecon foundation - Ethics & Economy, was presented in Berlin on a public event.

Since 2006, ethecon – foundation Ethics & Economy has presented two international awards annually – the International ethecon Blue Planet Award and the International ethecon Black Planet Award.

The International ethecon Blue Planet Award honours people, who protect and defend human ethics in the area of conflict around ethics and economy in an outstanding way, and who campaign for the survival and rescue of our Blue Planet.

The International ethecon Black Planet Award denounces people, who spurn human ethics in a shocking way and carry out ruin and destruction of our Blue Planet towards a Black Planet.

The International ethecon Blue Planet Award and the International ethecon Black Planet Award are one unit, two sides of the same coin. Both reflect the condition of our Blue Planet. In both cases, the definition „Blue Planet“ describes the whole alive and lifeless world.

The two ethecon awards sensibilise the public and indicate, they uncover connections, call responsables by their name. They activate to commit for peace, justice and environment protection and motivate for the resistance to warmongering, exploitation and environmental damage.

Each year's February, a request internationally spread, invites to pass in nominations for the International ethecon Blue Planet Award and the International Black Planet Award. During a thorough selection procedure the awardees will be appointed.

Mr. Diess, Mr. Pötsch,  
Mr. Porsche, Mr. Weil,

as the result of each year's international selection procedure by ethecon, you were nominated for the International ethecon Black Planet Award 2018 on September 21<sup>st</sup> 2018, the International Day of Peace.

International ethecon Black Planet Award 2018  
to Herbert Diess (CEO), Hans-Dieter Pötsch (chairman of the supervisory board),  
Wolfgang Porsche (major shareholder / PORSCHE HOLDING SE)  
and Stephan Weil (major shareholder / prime minister of lower saxony / Germany)  
of the world's largest carmaker VOLKSWAGEN (Germany)



The International Black Planet Award 2018 – as a consequent supplement to the International ethecon Blue Planet Award 2018 and with respect to the aims of ethecon foundation Ethics & Economy - will be addressed to you, because you spurn essential ethical principles in an outstanding way and endanger the Blue Planet.

ethecon is denouncing you with the International ethecon Black Planet Award 2018, since you have to take responsibility for nature's destruction, exploitation, human rights abuse and social hardship.

You act ruthless, sly, shaped by low motives and solely for your own ends. For your interests in power and profit, you will accept the planet's ruin as Black Planet without hesitation. You show, what is generally called unscrupulousness and selfishness.

You belong to those, who destroy ethics and turn the Blue Planet into a Black Planet.

In a world, increasingly oriented to profit as the only criterion of any decision and development, you stand as few strong men against the human interests. Widely preferred, integrated to global networks and leaned on large capital. Always secure and well protected, egomaniac and increasingly not submitted to any laws and jurisdiction. You are among those, who mankind owes war, exploitation and environmental damage to.

You will be personally denounced by the Black Planet Award 2018, representative for all, endangering the "Blue Planet" or evoking its ruin up to becoming a "Black Planet". Your denouncement shall be a warning and deterrent example for you and all of us.

The board of trustees and the management of ethecon based their decision on news messages, on facts, which have been known to the public for years, on information conveyed by journalists all over the world, on showcased documents, on investigations of government bodies and social movement organisations in different countries and last but not least on particulars published by VOLKSWAGEN AG.

It can be assumed, that the reason for the decision would have been more detailed, if all information, including the internal, and the ones shut away elsewhere or hushed up and possibly yet destroyed, had been available.

From the wealth of facts researched in the course of the selection process of the International ethecon Black Planet Award 2018 to Herbert Diess (Chairman of the Management Board), Hans-Dieter Pötsch (chairman of the supervisory board), Wolfgang Porsche (major shareholder / PORSCHE HOLDING SE) and Stephan Weil (major shareholder / prime minister of lower saxony) of the world's biggest automaker VOLKSWAGEN AG (Germany) we now present only a few examples:

During World War II VOLKSWAGEN produced military vehicles and rockets for the Wehrmacht. The management of VOLKSWAGEN personally worked for the success of the german war of aggression

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and annihilation. They used forced labour of thousands of prisoners of war and inmates of concentration camps - and even ran their own concentration camp "Arbeitsdorf" in Wolfsburg. To this day VOLKSWAGEN refuses to pay adequate reparations to survivors or their families.

After the war VOLKSWAGEN has continued to produce in countries of the global south, taking advantage of fascist rule and anti-union conditions. In Brazil they even supported a military coup in 1964 and later cooperated in the monitoring, arresting, torturing and killing of union-members and fierce workers. Today VOLKSWAGEN still procures raw materials from the Congo extracted by child- and slave labour, and profits from massacres against miners by the hands of its South African suppliers.

VOLKSWAGEN stands for a corrupt corporate culture due to its intransparent transitions between the managing and the supervising board and due to its repeated scandals of bribing the supervisory management, the workers' council and politician. Managers and public major shareholders of VOLKSWAGEN enabled the takeover by the now controlling shareholder PORSCHE HOLDING SE and accelerated the concentration of power in private hands. Thereby they eroded the progressive „Volkswagen bill“, which used to ensure public control and workers participation in the company.

VOLKSWAGEN holds on to a model of mobility, which is based on individual traffic and internal combustion engines, although it is proven to cause disease and death by pollution and even climate change. The management of VOLKSWAGEN holds on to this destructive and fatal business model and even deceives the world public on the true outcome of this demolition.

By installing cheating-software in its Diesel-engines and also by its lobbying of politics, the management of VOLKSWAGEN prevents a successful legal approach to battle climate change and the pollution of the air. By paying hush-money to former executive employees and by the former CEO Ferdinand Piëch refusing to give evidence to the parliamentary commission of enquiry, the management absconds from justice up to this day. As a world market leader VOLKSWAGEN, especially the executive management and the major shareholders, are responsibly for the global gridlock, the worldwide, lethal pollution of urban areas and even climate change.

At the same time they counter this responsibility with untenable propaganda, trivialize their history, silence irksome historians and green-wash their ugly chains of supply instead of investing this tremendous amount of money in a sustainable business model.

In their decision to pillory Herbert Diess (Chairman of the Management Board), Hans-Dieter Pötsch (chairman of the supervisory board), Wolfgang Porsche (major shareholder / PORSCHE HOLDING SE) and Stephan Weil (major shareholder / prime minister of lower saxony) of the world's biggest automaker VOLKSWAGEN AG (Germany) the board of trustees and management of ethecon expressly refers to the 1994 proposal of the Permanent Peoples' Tribunal (PPT) for an

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international Charter on "Human rights and industrial risks" and the UN Charter of the Universal Declaration of Human Rights.

Mr. Diess, Mr. Pötsch,  
Mr. Porsche, Mr. Weil,

as leading managers and important major shareholders, you are primarily responsible for decisions and actions of the world's largest carmaker VOLKSWAGEN (Germany). The company is yours for the most part. You manage the company decisively. You are to blame for the ruin of human health and the destruction of the environment on a grand scale, yes, even for the death of many. Not only do you represent a danger for ecology and human rights, but also for democracy and the human race overall. You leverage personal power and private enrichment. You spurn ethics for it and accept the fall of the earth as a Black Planet.

ethecon sees a shocking contribution to ruin and destruction of our Blue Planet in your behaviour, Mr. Diess, Mr. Pötsch, Mr. Porsche and Mr. Weil. For this alarming defiance and violation of human ethics ethecon – foundation ethics & economy denounces you with the International ethecon Black Planet Award 2018.

The International ethecon Black Planet Award 2018 was addressed to you during a public ceremonial act in Berlin on November 17<sup>th</sup> 2018, while the International ethecon Blue Planet Award 2016 was handed over to Ann Wright (Germany), a activist for peace. Compared to you, Mr. Diess, Mr. Pötsch, Mr. Porsche, Mr. Weil, who harm and ruin our Blue Planet in an irresponsible way, Ann Wright responsibly campaigns the remain and saviour of our Blue Planet and their residents. When she resigned from the US-Army in protest to the US' war against Iraq, she followed her conscience and moral values instead of her financial interests.

We ask you to learn from people like Ann Wright for your personal commitment. Put an end to exploitation and ruin of man and environment through VOLKSWAGEN. Ensure social justice, safety and human rights within the company itself and within its field of activity. Preserve the environment and peace. Use your money for ethic investments and solidary projects, as demanded by the overwhelming majority of the world's population, instead of chasing profits

Combined with the denouncement with the International ethecon Black Planet Award 2018, this is the plea of ethecon – foundation Ethics & Economy to you, responsible managers and capital owners of the world's largest carmaker VOLKSWAGEN.

At the same time we demand and actively campaign – in cooperation with the national and international movements, critical of enterprises and globalisation – for you to assume liability, also personally, for the damage caused to environment and health, any financial, social and other



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damages caused by your activities and your company. We also campaign for you to be brought to justice and if so be punished.

Berlin, 17.11.2018

Axel Köhler-Schnura (Managing board)

Wolfgang Teuber (Board of trustees)

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### Greetings

from Alfred Hartung<sup>67</sup>

In 2018, the city of Wolfsburg celebrated its 80<sup>th</sup> anniversary in grand style. In May 1938 Adolf Hitler and Ferdinand Porsche had founded the Volkswagen car company in the presence of the Nazi elite and with the cheering of 70000 claqueurs who had been carted to this event. The official date of the foundation of the "exemplary German city of workers", planned next to the factory, was set on 1<sup>st</sup> July 1938. So the history of the city of the KdF-car ("Kraft durch Freude" / strength by joy) started in 1938. Otherwise, arithmetically, there would not be 80 years, but in this year's celebrations, the foundation and the following seven years under Nazi rule did not play any role. There was nothing to celebrate, for these seven years were inseparably connected to hard labour and production of arms for a criminal war with 60 million dead, who would not have died without the efficient machinery of death of the German industry. The Volkswagen factory and the administration of the hard labour camps and the concentration camp in the former city of shacks were an essential part of it.

The second leading light next to Hitler at the foundation was Ferdinand Porsche, "Wehrwirtschaftsführer" (leader of the economy of the Wehrmacht) and from 1942 as SS-leader with the same rights of rank as a major general, was the manager of the Volkswagen company until 1945. Then he cleared out for Austria.

Following the instructions of the British military government, the "city of the KdF-car" was named Wolfsburg in May 1945. There, the myth of the "ingenious constructor" has survived the Nazi defeat. At the foundation ceremony of Volkswagen, Hitler himself had laid the basis for it, saying, "Thanks to the ingenious constructor Porsche" (A. Hitler, 26/05/1938). On 1<sup>st</sup> of May 1942 at the award of Porsche as "pioneer of work", the "Führer" related expressively to this myth: "And if the word "ingenious" is sometimes used thoughtlessly, - we cannot do without this word for the description of Dr. Porsche's performance."

This legend of Porsche as an ingenious constructor, only devoted to the car, the inventor of the Beetle, is living on with many, if not the majority of the staff of the company and the citizens of Wolfsburg. A proof of this mythical admiration was the fact that the city council of Wolfsburg decided to name the main street after Porsche, only a few hours after the death of Porsche on 30<sup>th</sup> January 1951. One year later the administration body opted to honour him also by a monument. This monument, a bust on a high pedestal, got its final position in front of the town hall, on the occasion of the inauguration of the town hall in 1958, where it has remained up to the present. Later, a stadium and a school were named after Porsche.

<sup>67</sup> Further information in: "75 Jahre: 'Stadt des KdF-Wagens' / Wolfsburg", Stephan Krull (ed.), Ossietzky Verlag 2013, 164p., 14,95 €, plus 1,50 € shipping charges (ossietzky@interdruck.net). This volume includes other articles by Alfred Hartung.

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Although the Volkswagen factory had been threatened by dismantling after 1945, it could make sure its existence by producing the VW-Beetle for the British military administration. In 1949, the authorities of the British occupation zone transferred the property of the Volkswagen company to the Federal Republic of Germany and the land Lower Saxony. The executive director since 1948 was Heinrich Nordhoff. He had been "Wehrwirtschaftsführer" with Opel in Brandenburg and had made thousands of people "sentenced" to hard labour work for the production of arms ("No Blitz without Opel Blitz"). He introduced the mass production of the VW-Beetle, itself almost a symbol for the economic upturn of the Federal Republic. In 1958, 60% of the Volkswagen company was privatized. To calm down the resistance of the union IG Metall and of the staff, a "Volkswagen Law" passed, which ensures the co-determination of the union and of the employee representative committee (works council). It clearly exceeds the later generally established right of co-determination (1976).

This Volkswagen Law and the successful interventions of the union IG Metall and of the Volkswagen works council have safeguarded comparatively secure and well-paid jobs for the Volkswagen staff until today. However, neither co-determination nor the experience of the involvement in the German fascism could prevent Volkswagen's greatest foreign investment in Brazil under the military dictatorship of the 60s and 70s of the 20<sup>th</sup> century. From 2010 onwards, under the government of the labour party, the cooperation with the military system was being discussed, but this stagnated after the "parliamentary coup d'état" against the PT – government.

Currently, Volkswagen is in the focus of the critical public due to the fraud of emissions with their diesel vehicles. This fraud shows that a corporate group, even though strongly marked by co-determination of the employees, cannot break away from the system of profit making of the capitalist world market. Because of advantages in competition by the program of the "Clean Diesel", the managing board has unscrupulously contravened the law of emissions and so has endangered the health of millions of people. Although it could be proved that different car companies have committed similar fraud, those have so far escaped from penalty. Legitimate fines particularly aim at the Volkswagen group until today – 25 billion euros only in the USA. Even if the actual profit of the enterprise has so far hardly been restricted, more legal proceedings with high fines are threatening and might seriously interfere with the development of the group.

As the whole automobile industry is at the moment in the process of transformation – electrification, automation, digitalisation as key words -, the employees are at risk. The reduction in staff is already going on – 30000 employees will be reduced by 2020, 23000 of them in Germany. Until now the strong position of the representation of interests by the union IG Metall and the works council could force a reduction which is reconcilable with a welfare state, mainly by means of old-age part-time working. If this will work in the future, is uncertain. The jobs will get lost for the following generation in any case, even with a "socially reconcilable reduction". Up to the present, the Volkswagen Law and the strong position



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of the union and the works council have managed to defend the employees's interests with the cooperation of both sides, unions and management. If this can be applied in the future of the Volkswagen group or if much stronger resistance of the employees will be required, remains to be seen in the following years.

Alfred Hartung for the Association of the victims of Nazi-persecution (VVN) – Wolfsburg

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## Greetings <sup>68</sup>

### from Huberto Juárez Núñez (Mexico)<sup>69</sup>

Out of all persons it was a German, the author of "Das Kapital", who wrote in the context of his studies of the laws and trends of capitalism: "...The bank and the credit take on a momentum of their own and become a mighty means to drive the capitalist production to their boundaries as well as one of the most effective means for crisis and deceit. (vol. III:782). This in reference to the hurly-burly of the financial and relational to the productions events which have caught up with the automobile business group Volkswagen AG since September 18<sup>th</sup> and which has led in the past few hours to a drawdown of 40% and which hits in Mexico the branch officer of the Volkswagen Banc regarding its main goal regarding the Mexican market which is: "being the first choice for the contract partner when buying a car." (Leyva, J., *El Financiero*, 29/09/15).

This drawdown has probably something to do that the rating agency Moody's Mexico "corrected the perspective for the privately written debt qualification of the Volkswagen banc Mexico and the Volkswagen Leasing Mexico from stable to negative (Cantera S., *El Universal*, 25/09/15). If you also take into account the influence which the decision of VW at the end of the board meeting on October 5<sup>th</sup> in Frankfurt not to pay in the Dow Jones sustainability index excites – which does not mean less than to leave the most representative index worldwide that serves to identify those firms which invest in measures against climate change and in favor of social initiatives and to orientate business management along a sound ethical code -then the extent of the catastrophe becomes evident which became apparent on the third day after the announcement of the deceit by the EPA. The matter-of-fact statement says: "After the analysis of the situation the committee decided to evict the company (VW) from DJSI World, DJSI Europe and from all the DJSI (El Pais)." That is no small matter.

The automobile business group VW, after revenues of 268,566 billions US\$ 2014 internationally the biggest automobile business group, with a profit of 14,571 billion US\$ after taxes the second biggest and regarding the production of vehicles the second biggest after Toyota (10,3 millions). From these incredible numbers one can detect that VW 2012 established a record that never before has been around before for an automobile business groups: 27,099 billion US\$ or 21,881 billion in Euro (Sources: Fortune Global 500, 2015, y VW Report, 2013).

Entangled in a fierce competition for the most profitable markets, a major goal of the second decade of this century was to gain improved access to the world's largest market: the US. And here begins the debacle. "We totally screwed up!"

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<sup>68</sup> This Article was first published in the magazine "trabajadores" in September/ October 2015.

<sup>69</sup> Huberto Juárez Núñez (Mexico) Unionist and Professor of economics at the University of Puebla (Mexico) / Awardee of the International ethecon Black Planet Award 2016.

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The fraudulent action of VW, for which the neologism "dieselgate" has prevailed, shows differences to other serious problems of the groups recent past. For example, in 1998, Holocaust survivors of German and Austrian companies, including VW, demanded compensation for forced labor under the protection of the Nazi regime. VW's first response was a rejection on the grounds that it was the responsibility of the German Government, but social pressure quickly led to VW founding a humanitarian aid fund for survivors and a memorial in memory of the victims. The book "Erinnerungsstätte an die Zwangsarbeit auf dem Gelände des Volkswagenwerks" (Engl.: Memorial on Forced Labor on the Property of the Volkswagen Factory) from the company's own publishing house is one of the most outstanding results of this decision.

Mid last decade, the image of the group has been further tarnished: "Several high-ranking representatives of Volkswagen, who also had a public function and had close ties to the government, had to resign in 2005 after it was disclosed that they were making illegal payments to members of the Federal government to support a controversial series of reforms and layoffs in the midst of a financial crisis in the group, with some of these bribes being paid by prostitutes worldwide, paid for with VW funds" (BBC World 26/09/15). Currently, a lawsuit filed by a group of former VW employees in Brazil against the VW Group, who had been mistreated or tortured in the years 1964-1985, is still contended. VW's answer to the allegations was an investigation on those that were responsible at that time. Thus, it can be stated that VW had similar difficulties as other large corporations in the same period (with penalties partly corrected and partly accepted). German companies such as Siemens and Deutsche Bank had to negotiate large fines to compensate for illegal actions such as bribe money to foreign officials or the manipulation of the Libor fee. In the automobile industry, Toyota and GM have entered into various agreements with the North American government and have accepted large fines for serious mistakes in the units shipped.

But the current case surpasses anything known so far. The EPO's announcement in the international press on 18th September implicates a "very serious violation" of the Clean Air Act; "This is illegal and a public health threat". As the number of cars sold in the US rose to 482,000 - with 11 million worldwide - the defensiveness of the response became visible everywhere. It was no longer just the resignation of the CEO, nor the acknowledgment of the problem or the initially demanded apologies. France, Italy and Korea immediately joined the US government. In France, the Paris Public Prosecutor's Office opened an early investigation into major fraud in the case of VW's manipulated diesel engines from 2nd October. In Italy, on 15th October, employees of the Financial Control and Military Police refused to grant business clearance to Volkswagen's offices in Verona and to the Lamborghini headquarters in Bolognia, as judicial sources confirmed. And Korea started a series of investigations into the case. Since then, other European countries have demanded explanations, demanding compensation payments as well. In Asia, Japan intends to open an investigation on a few hundred TDI engines. In Latin America, Brazil is doing

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its bit, albeit with some delay and without much effort - it is not just a country where 30,000 TDI engines are on the road, but also one that produces three out of five counterfeit engines in its own factories. In addition, the company that has been generously supported by public funds, including 11 billion pesos for the establishment of a new Audi factory.

Furthermore, with the approval of the government, a campaign to promote TDI engines was generously promoted under the slogan "For the Love of our Planet". And almost grudgingly I have to admit that also in our country Semarnat and Profeco have begun an investigation. In a few days the deadline of the German government expires, then we will know the true extent of the fraud and the measures taken by the German group to solve the problem. The initial projections speak of \$ 7 billion, and that's an optimistic scenario: The announced fines in the US are \$ 37,500 per unit shipped, resulting in a total payment of \$ 18 billion, excluding the costs that could be added through lawsuits by damaged buyers.

The whole size of the problem facing the corporation is evident in the honest statement of VW North America Managing Director, who resigned four days ago: "We totally screwed it up," he said after he admitted the scam: "We were dishonest to the EPA, we were dishonest of the ARB (California Air Pollution Control Agency), "signaled Michael Horn (El País, New York 22/09/15). Upcoming events are to be expected from countries such as Spain, which have a right-wing government whose initial reaction was to wait and see (3 billion euros worth of new investment in the Iberian Peninsula); but, in response to pressure from the public, the government has recently asked for clarification, and even more: "The Ministry of Industry has instructed the prosecution to take the necessary measures in order to sue the Volkswagen Group for compensation. This measure is explained by aid payments for the purchase of a VW car in the amount of 1000, - € per vehicle, although it might perhaps not justify the total amount of money, as the speaker of the ministry, José Manuel Soria proclaims. The ministry further underlines that the consumer has been misled and that the group has stated that compensation according to the directives of the government are justified. " (El País, 29/09/15). It also turns out that the already damaged assets must withstand decisions made by passionate supporters of the brand until just a few weeks ago: "The US Green Car Journal has decided to retract the prizes that Volkswagen was awarded in 2009 and 2010 for the Jetta and the Audi A3.

It is the first time since the beginning of the prize-giving that an award will be taken back. Scott Keogh, president of Audi America has informed Green Car Journal that he will return the award he received in 2010 as soon as the Volkswagen group, to which he belongs, admit the fraudulent emissions of the Audi A3 TDI's pollutants to the authorities. The same will be done by Volkswagen America with the 2009 prize for the Volkswagen Jetta TDI. "(El País, Madrid, 30/09/15).

And in Puebla? It seems as if nothing is happening. Well, at least that's what's being tried to make you believe. Out of ignorance or as a result of instructions from above or for both reasons, entrepre-

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neers, academics of the private universities (with the honorable exception of the president of the Universidad Iberoamericana) and politicians of the state congress, try to divert public opinion by saying that responsibility in Puebla is zero to none. The responsibility thus lies with the government, who, however, has taken steps towards defending the interests of the transnational corporation. When it became inevitable to acknowledge the regional effects, he played down the effects with the attitude that 'here nothing would happen', down:

According to a number of sources, it is certain that society is now more informed, as it can now see the entire bandwidth of problems. I think that's what made the group relax its taciturnity and started giving away some of the details about the problem. For example, the quality of models with TDI engine that were sold in Mexico. But it is also clear that further ambiguities must be answered, such as the responsibility on the various levels of management or the complicity in the fraud committed. And for the region, we hope that, even if the situation gets even more complicated (because Michael Horn's designated successor, Winfried Vahland, who was supposed to take office on 1st November, has renounced the position amid the difficulties facing with the strategy decided on by the Group for North America), the situation will be clarified in a short period of time and the background statements announced will, along with the correct action be taken. (E.g.: Are VW cars manufactured for the US leaving the Puebla plant with the TIER 3 standard and Californian standard? Did the engineering department running the Puebla emissions lab know about the software fraud or not?) Finally, I believe that a global company such as VW, which has acknowledged its responsibility to the damage caused, should also commit itself to the ethical principles of minimizing the harm to society and particularly to its workers. Specifically when it asked the workers to keep quiet - another serious mistake. Workers who have been struggling for years from the front line of production to make the corporation a world power and one of the most important industries.

Huberto Juárez Núñez, Unionist and Professor of economics at the University of Puebla (Mexico)

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## Greetings

from **Wolfgang Lohbeck**<sup>70</sup>

Giving a negative award to the Volkswagen group may seem a lack of originality, because hardly any company has ever so persistently been criticized as Volkswagen. Hardly any other company has ever cheated its customers as intentionally as Volkswagen did in the Dieselgate. Therefore only, Volkswagen deserves more negative awards than are probably at all available.

But the Diesel disaster did not show up from out of nothing, it was the consequence of a long and specific tradition of the Volkswagen company. It might be called a tradition of lacking transparency. Lack of transparency and isolation do not necessarily distinguish Volkswagen from other big groups, particularly not from other car companies. The extent of secretiveness, however, assumed special proportions within the Volkswagen company: The aspect of power.

It is neither by pure coincidence, nor by personal failure of the former manager Winterkorn and his former „godfather“ Piech, that Volkswagen established as their top aim the motto: They wanted to become the world's greatest car producer, the number one, no more, no less. Not the best, not the pioneer in environmental issues, not the most efficient producer either, no, simply the greatest. Grandeur as their only impetus, an end in itself. This hubris of the all-mighty and the aura of arrogance of the international market leader, the presumed pioneer of technology, led them to white lie, fraud and fall, the moment, when the image striven for was ill-matched with their real technical abilities.

All this went together on the personal level with the obstinate power struggle, filled with hatred, as far as we know, between "godfather" Piech and the "parvenu" Winterkorn, for absolute power. We had the impression not to deal with more or less well-informed managers, but with rulers, pharaoh like. Who ever had the chance to inspect the phalanx of new Volkswagen exhibits together with Piech and Winterkorn at one of the great motor shows, will never forget the domineering gestures of the all-mighty and the anxious subjugation of the subordinate, themselves being members of the board of directors, though. The atmosphere of frightened secretiveness carried on onto the lower levels of the company and could only partly be motivated by the usual safeguarding of business secrets.

Even until today, after the Dieselgate, the way of seeing themselves in a position of power continues among the new, allegedly reformed managing board. When, after the admitted fraud, the Volkswagen manager proudly remarks, "I don't like politicians to interfere in my business" (The Spiegel, 23/03/2018), it cannot be beaten in gall, but at the same time proves the unshakable confidence of the company being inviolable. Even Dieselgate could disturb their self-confidence only superficially. The close relation between politicians and "Germany's most important enterprise" is too well established.

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<sup>70</sup> Wolfgang Lohbeck ist ein ehemaliger Campaigner bei Greenpeace

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So you might regard it as a decrease of guilt that politicians have always liked to serve and support the company and even, when the events turned out to be clearly criminal – the company conceding deception and fraud itself – behaved loyal to their favourite firm. We have witnessed that the government and lower authorities, especially the "Kraftfahrtbundesamt" contributed to the clearing up merely by the facts which could no longer be concealed and, on the contrary, contributed actively to the holding up and the delay in publishing of further measuring data.

Like in any enterprise, naturally in the field of car production, the public reputation was the top issue in the Volkswagen company. Some years ago, this was the alleged technical leadership in the technologies of efficiency and saving. At that time, in the mid 90s, Volkswagen intended to go down in the annals as environmental pioneer. When Greenpeace presented a roadworthy car ready for production with a consumption of less than three liters, Volkswagen showed their readiness immediately presenting the "one - liter- car". This car really existed and Ferdinand Piech in person drove it to the International Trade Fair for Mobility.

The car could, however, not be seen on the roads, only this one specimen existed. It was enough for Volkswagen to show what they were able to do. It did not matter for them to really reduce the consumption of cars in general. Volkswagen had made their final touch for their public image, but the confidence of a generation of people who had hoped for an affordable and thrifty car for everyday, produced by the world's best car producer, was gone. Volkswagen, on the other hand, like other producers, entered the market of the constantly heavier and overpowered pseudo - ATVs. Cars for the mass - like Golf - were equipped with better motor performance and more weight – Golf 7 weighed double as much as the Golf of the first generation. Nowadays regarded, the gag of the "one-liter-car" was simply a fake.

Later on as well, Greenpeace had a reason to be more intensely concerned with Volkswagen, for there was finally not only the claim of leading the way, but also the fact of nearly ten million new cars on the roads. And Greenpeace, after the fraud with the so-called "one-liter-car" hoped for a while that the mass car "up!" became, if not a pioneer, at least a particularly thrifty car. Volkswagen had proved to have the necessary technology and parts of it could be expected to be inside the mostly produced car.

But that was not the result; instead of a model for the market of "the small", especially in Asia, a car with miserable fuel economy data turned up. A short time after, new limiting values for fuel consumption and Co2 emissions of new cars were talked over in the EU. Attracting media attention, together with Greenpeace, Volkswagen pretended to make an effort for tightening up limiting values. At that moment Volkswagen were still making their image as environmental pioneers. But it did not come up to the expected. Later we got aware that Volkswagen – in the front line – had made sure that the

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limiting values dropped, as a result of talks behind closed doors, of course, in the automobile umbrella organisation and with the chancellor.

That was not so surprising for a corporate group, but contrasted sharply with several binding commitments made by Winterkorn personally towards the author and the Greenpeace managing board.

This is not the place to complain about our dealings with a big group, but there is an irritation about the total sham and about the almost conspiratorial meetings in small groups discussing environmental strategies which have all been hindered by concrete action by the Volkswagen group.

There were more, nearly conspiratorial talks between Greenpeace and senior staff about the allegedly planned introduction of new aircondition systems for cars without CFC, going on during several years. Again and again we were told that the decisive signature would be given, it was only a question of weeks or even days, but it never happened. Instead, Volkswagen invested in a generation of synthetic refrigerants on the basis of CFC, although a different German car producer courageously cleared out of CFC, quite on its own, whereas Volkswagen had pulled out.

In the retrospective, the policy – carried on for many years – of announcements and not kept promises, in relation with an omnipresent atmosphere of fear and subordination towards the hierarchy, leaves us sobered about our dealings with – or more correctly against – Volkswagen. Greenpeace has not at all succeeded in stimulating the development of the idea of sustainability. Discussions, lasting for years, have not been able to change the Volkswagen group in the way that they would seriously have transparency and sustainability as their motto. The dismissal of senior staff, occurred some time ago already, in favour of compliance, which is meant as a better business policy, from environmental protection down to employees' rights or transparency, makes Volkswagen appear as a group which cannot be changed, no matter who the chief executive is.

Wolfgang Lohbeck, former campaigner at Greenpeace



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### Greetings

from Tadzio Müller<sup>71</sup>

Dear ladies and gentlemen, dear friends,

How do you call an organization that willingly accepts the premature death of ten thousands of people in the biggest deceit scandal of German post-war history – known as “Diesel affaire”- to ensure its profits? Which exorbitant profits can only be ensured if societal rules (also known as laws) are systematically circumvented and broken?

How do you call an organization that offends laws now and again in the open, in which almost always only the small fry end up in front of the judge, while the big fish continue to cash in millions, swill down champagne and guzzle caviar? Who – in other words- have so many crooked parliamentarians, ministerial officers, so many journalists and experts on their financial and idealistic pay-rolls that the Corleones would be jealous?

Let me say it like this: Al Capone in his time also sold a very popular product and created many jobs. Despite that we do not recall him as an important part of the American drinks and entertainment industry, but we remember him as a murderous big-time criminal. Accordingly, this years black planet award goes to the god fathers of Wolfsburg and the clan that falls under its direct authority which at the stock exchange is still wrongly traded under the name “Volkswagen”, but which we really shouldn't term as an enterprise in the popular paternalistic corporate sense, but as the German mob, as a bourgeois counterpart kalabresian Ndrangheta, to the sicilian Cosa Nostra.

And why is it that we should talk about VW and its associates solely as auto-mob, not as auto industry? Because after the Diesel scandal they should really be morally beaten, the auto business groups should be smashed, the management and the corrupted workers' councils should be in court or in jail. However, the federal German political system demonstrates distinct inhibition with concern to that issue.

And why is that so? Because we as society still credit much too much legitimacy to the murderous machine out-of-hell called automobiles. We shouldn't really accept that our collective wealth is based on the production and sale of autos, which does not only produce environmental injustice in the big wide world (of which the poorest always suffer the most), but destroys -quite concretely- our cities and our health in this country, which corrupts our political system. But we find it –all in all, quite ok, and this situation- to be honest- makes me mad. We look at this or that trespass, we look at this or that scandal, we take notice that the auto mob as the only capital industry in this country has contributed absolutely nothing to the protection of the climate and nevertheless likes to dress up in ecological clothes – then

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<sup>71</sup> Tadzio Müller is a climate activist and speaker of the Rosa Luxemburg foundation.



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we look at the many good jobs, maybe your own nice car, that maybe soon – praise God- drives electrically and autonomously and that is the end of any criticism.

Dear ladies and gentlemen: we should be done with this. The Black Planet award for the godfathers of Wolfsburg and their clan is this year endowed with a threat: we are on to you. The movement that first stopped nuclear power and which is presently busy to cure Germany from its coal addiction, this movement prepares itself to attack you: in the cities and factories of this country, in the hearts and minds of people.

The end of the automobile society is near and we are its gravediggers. You were ours long enough. Therefore, to the esteemed gentlemen from Wolfsburg: your time has soon come- until then enjoy the Black planet award.

Tadzio Müller, climate activist and speaker of the Rosa Luxemburg foundation

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### Draft

### by the international Permanent Peoples' Tribunal (PPT)<sup>72</sup> for a Charter on „Human Rights and Industrial Hazards“<sup>73</sup>

#### About the draft

A Tribunal of five international judges held in London from 30 November to 2 December 1994 marked the tenth anniversary of the Bhopal disaster. The Permanent People's Tribunal (PPT) on „Human Rights and Industrial Hazards“ heard evidence and recommendations from professionals, victims' organisations, public interest groups and individuals on the impact of hazardous production on workers, communities and the environment, and the lack of redress for victims. This was the fourth and final of the PPT Tribunals on Industrial Hazards and Human Rights, which contributed to the development of a Charter on Industrial Hazards and Human Rights.

The world has now acquired ample experience of industrial and environmental hazards. Lessons must be learned from these experiences so that those who have died and suffered will not have done so entirely in vain. Judgement of the PPT held in Bhopal, October 1992

Formed because of devastating industrial disasters such as: Seveso (1976) Italy, Bhopal (1984) India and Chernobyl (1986) Ukraine, the Permanent Peoples' Tribunal (PPT / Permanent Court of Peoples) started to work (1991-1994) to address the lack of legal and medical protection of affected workers, residents and collateral and environmental local industrial risks.

Issues of civil protection, liability of operators, international law and many other problem areas of industrial production were addressed. The PPT was constituted on the 10th anniversary of the Bhopal disaster as a proposal for a "Human Rights and Industrial Hazards" Charter ("Industrial Hazards and Human Rights").

Nearly five years in drafting, the Charter is based on a series of public hearings held by the Tribunal in New Haven, USA (1991), Bangkok, Thailand (1991), Bhopal, India (1992), and London, UK (1994).

<sup>72</sup> The Permanent Peoples' Tribunal (PPT), based in Rome, was formed in 1979 as the successor to the Bertrand Russell Tribunals on crimes against humanity. The PPT is an independent forum that examines violations of the rights of peoples, and suggests remedies for such violations. It is composed of over 60 members from all parts of the world who are eminent as jurists or in other fields including the arts, culture, science and politics. A number of judges are Nobel prize winners. The Tribunal submits its findings to the Secretary General of the United Nations, to other United Nations organisations as appropriate, and to other national and international bodies.

The Tribunal attempts to fill gaps in international law, which it seeks to influence by elaborating on such documents as the Universal Declaration of Human Rights (United Nations), the Nuremberg principles, United Nations General Assembly resolutions on de-colonization and the new international economic order.

Hearings are initiated by aggrieved groups, and are normally heard by a bench of 3 to 11 sitting tribunal judges. Accused parties are invited to present their case at the hearings. If they do not attend, the PPT appoints legal counsel to represent their case in a rigorous manner. The PPT applies principles of international law, and is bound by the Algiers Declaration of the Rights of Peoples as well as its own statutes.

<sup>73</sup> The ethecon founder Axel Köhler-Schnura participated in the final deliberations of the Human Rights Charter "Health, Safety and Environmental Rights" in 1994 in London, where he presented the case study of the "BAYER Group".

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People from many different countries presented evidence. The Tribunal heard testimony from the survivors of industrial hazards, from concerned community groups, and from workers. At the same time, doctors, lawyers, scientists, engineers, and other experts provided information on the origins and effects of industrial hazards.

Despite their diverse backgrounds and experiences, the people who testified told a common story. Industrial hazards are proliferating on a global scale, and they pose a serious threat to human life and health. Moreover, the existing economic, legal, and medical systems are not responding adequately to this feature of globalisation, Victims' groups voiced a common demand for a system which protects them from death, injury, and persistent insecurity. Expert testimony highlighted instances of best practice, but also described the main features of an international order in which hazards are promoted, traded, and protected without effective controls.

The Tribunal held its fourth and final session in London from 28 November to 2 December. The judges heard expert testimony for three days. The Indictment was presented by Graham Reid, Barrister at Law and the Defence was presented by Andreas O'Shea, Barrister at Law. The evidence was heard by six judges: Francois Rigaux, Professor of Law, Catholic University of Louvain, Belgium and President of the Permanent Peoples' Tribunal (Chairman)

Dr. Rosalie Bertell, President, Institute of Concern for Public Health, Canada

Salak Siveraska, Santi Pracha Dhamma Institute, Thailand

Justice Subhan, former Judge, Bangladesh Supreme Court

Tina Wallace, Development Administration Group, University of Birmingham

Dr. Timothy Weiskel, Director, Harvard Seminar on Environmental Values

The judges were assisted by: Dr. Gianni Tognoni, Epidemiologist at Mario Negri Research Institute, Milan and Secretary General of the Permanent Peoples' Tribunal

Joe Verhoeven, Professor of International Law, Catholic University of Louvain, Belgium The judges pronounced their findings and judgement at a press conference at the House of Commons on 2 December, hosted by Harry Cohen MP and John Hendy QC.

## **The Charter**

The Permanent Peoples Tribunal on Industrial Hazards and Human Rights,

Having convened four Sessions in New Haven, Bangkok, Bhopal and London since 1991 to receive testimony and deliberate on issues relating to the right to life, occupational health and safety, environment protection, risk management and damage reduction in the wider global context of hazardous production;

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Having drafted over a period of four years a charter of rights designed to reflect the views and concerns of persons injured and distressed by industrial hazards, and having issued on the second day of December 1994 a Draft Charter for comment and discussion among individuals and non-governmental organisations, including trade unions;

Following the Universal Declaration of the Rights of Peoples, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination Against Women, the United Nations Convention on the Rights of the Child, the Vienna Declaration and Programme of Action of the World Conference of Human Rights, the Beijing Conference on Women, the Programme of Action of the World Summit for Social Development and other relevant international human rights instruments;

Guided by the Rio Declaration on Environment and Development, Agenda 21, the Draft Declaration on Principles on Human Rights and the Environment, the Draft Declaration on the Rights of Indigenous Peoples and other relevant instruments for prevention of industrial and environmental hazards;

Guided further by International Labour Organisation conventions and recommendations, including the Convention on Freedom of Association and Protection of the Right to Organise, the Convention on the Right to Organise and Collective Bargaining and the Convention Concerning the Prevention of Major Industrial Accidents;

Gravely concerned by the widespread diffusion of hazardous products and processes resulting in industrial practices which cause human, social and environmental destruction, threatening in particular the habitat, life, economy, society and culture of indigenous peoples;

Deeply concerned by the frequency of small-scale but harmful hazardous events, as well as the magnitude and nature of major industrial accidents, including the incidents in Seveso, Chernobyl, Bhopal, Basel and elsewhere;

Concerned by the ineffectual national and international system of hazard prevention, post-disaster relief, medical and legal assistance and legal accountability which in their current forms have failed both to adequately prevent occupational and environmental hazards and to bring to account those responsible for world-wide deaths and injuries;

Noting that urgent action is needed to prevent future degradation to human life, animal life and the environment, and to adequately remedy the harms caused by industrial hazards;

Recognising that the personal experience and repeated demands of community members and workers affected by hazards provide the most sound basis for the enunciation of rights;

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Cognizant of the inherent limitations of national and international law, as well as the vital role of community organisations and people's movements in preventing and ameliorating industrial hazards;

Convinced that new national and international systems of prevention, relief and legal accountability must be formulated and established;

Declares the following:

## **Part I**

### **Rights of General Application**

Article 1:

Non-discrimination

1. Everyone is entitled to all the rights and freedoms set forth in this Charter without distinction of any kind, such as race, colour, sex, language, religion nationality, political opinion or affiliation, ethnic or social origin, disability, age, property, sexual orientation, birth, income, caste or any other status.
2. On account of the particular discrimination faced by women, both as waged and unwaged workers, attention should be given to the specific application of the rights stated below where women may be affected.
3. On account of their vulnerability and exploitation in the labour market, special protection should be accorded to children exposed to industrial hazards.
4. On account of the connection between low wages and hazardous working environments and the disproportionate impact of industrial hazards on racial and ethnic minorities, special protection should be afforded low-income groups and all minorities.

Article 2:

Relation to Other Rights

The rights in this charter and other human rights, including civil, political, economic, social and cultural rights, are universal, interdependent and indivisible. In particular, freedom from hazards, including the right to refuse hazardous employment and the right to organise against hazards, depends upon the full implementation of social and economic rights, including the rights to education, health and an adequate standard of living.

Article 3:

Right to Accountability

All persons have the right to hold accountable any individual, company or government agency for actions resulting in industrial hazards. In particular, parent companies, including transnational corporations, shall be liable for the actions of their subsidiaries.

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### Article 4:

#### Right to Organise

1. All community members and workers have the right to organise with other local communities and workers for the purpose of seeking to ensure a working environment free from hazard.
2. In particular, the right to organise includes:
  - (a) the freedoms of expression, association and peaceful assembly;
  - (b) the right to form local, national and international organisations;
  - (c) the right to campaign, lobby, educate and exchange information;
  - (d) the right to form trade unions;
  - (e) the right to strike or take other forms of industrial action.

### Article 5:

#### Right to Appropriate Health Care

1. All persons have the right to appropriate health care.
2. In particular, the right to appropriate health care includes:
  - (a) the right of individuals and groups to participate in the planning and implementation of health care;
  - (b) the right of equal access of individuals and families to health care the community can afford;
  - (c) the right to relevant health care services, including where appropriate access to hospitals, neighbourhood clinics, specialist clinics, as well as the services of general practitioners, other medical professionals and health care workers drawn from the affected community;
  - (d) the right to independent information on the relevance and reliability of health care services and treatments including allopathic, homeopathic, nutritional, physiotherapeutic, psychotherapeutic, indigenous and other approaches;
  - (e) the right to health care systems which recognise and take account of the different ways in which hazards affect women, men and children;
  - (f) the right to health education;
  - (g) the development of national, regional and international networks to facilitate sharing of information and experience.

### Article 6:

#### Right of Refusal

1. All communities have the right to refuse the introduction, expansion or continuation of hazardous activities in their living environment.

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2. All workers have the right to refuse to work in a hazardous working environment without fear of retaliatory action by the employer.
3. The right to reject inappropriate legal, medical or scientific advice shall not be infringed.

Article 7:

#### Permanent Sovereignty Over Living Environments

1. Each state retains the right of permanent sovereignty over the living environments within its national jurisdiction. No state shall exercise this right so as to injure the health or living environments of its people, nor to cause damage to the environment of other states or of areas beyond the limits of national jurisdiction.
2. Each state has the right and the obligation to regulate and exercise authority over hazardous and potentially hazardous enterprises in conformity with the interests and well-being of its people and their environment.
3. No state shall be:
  - (a) refused external finance or assistance on the grounds of its refusal to import or establish hazardous products or processes;
  - (b) compelled to grant preferential treatment to foreign investments;
  - (c) made subject to external threats or coercive measures, whether military, diplomatic, social or economic, intended to affect regulations or policies regarding hazardous production;
4. Transnational corporations and multi-national enterprises shall not intervene in the internal affairs of a host state.
4. Transnational corporations and multinationals may not interfere in the internal affairs of the host country itself.

## **Part II**

### **Community**

Article 8:

#### Right to Living Environment Free from Hazards

1. All persons have the right to a living environment free from hazards. In particular, this right applies where hazards arise from:
  - (a) the manufacture, sale, transport, distribution, use and disposal of hazardous materials;
  - (b) any military or weapons application, regardless of national security.
2. Any person has the right to raise a bona fide complaint to the owner or occupier of an economic enterprise regarding activities of the enterprise which he or she believes are hazardous to the living environment.



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3. Any person living in an environment from which it is impossible to eliminate a hazard shall have the right to protective safety systems necessary to eliminate any such hazard as far as possible. The owners or occupiers of the concerned hazardous enterprise may not refuse to provide the most effective systems available on the grounds of cost or inconvenience.

Article 9:

Right to Environmental Information

1. All persons have the right to be given reasonable notice of any proposal to establish, expand or modify a hazardous industry in such location or in such a manner as may put at risk public health or the living environment. To achieve the full realization of this right, the following steps shall be taken:
  - (a) All states shall ensure that communities, individuals and non-governmental organisations have the right of access to full information regarding the proposal. This right shall be effective well in advance of official authorization and shall not be abridged by claims of commercial secrecy.
  - (b) All states shall ensure that prior to official approval of any hazardous enterprise, independent and thorough assessments of the impact upon the environment and public health be conducted in consultation with the community. The methods and conclusions of such impact assessments shall be made available for public debate.
2. All persons have the right to be informed, in their own language and in a manner which they are able to comprehend, of any possible hazards or risks associated with any product or process used by any enterprise with which they may come into contact.
3. All persons have the right to be informed of the safety record of any economic enterprises whose manufacturing or industrial processes could affect their living environment, including the number of accidents, the types of accidents that have occurred, the extent of injuries resulting from such accidents and any possible long-term adverse health effects.
4. All persons have the right to be informed of types and quantities of hazardous substances used and stored at the facility and emitted from the facility and contained in any final products. In particular, the right to information includes the right to regular toxic release inventories where appropriate. All persons living in the neighbourhood of hazardous facilities have the right to inspection of factory premises and to physical verification of hazardous substances and processes.
5. All persons who live in environments in which they may come into contact with materials or processes that are known to be seriously hazardous, and which emanate from the activities of an economic enterprise, have the right to be examined regularly by an independent medical expert provided by the owner or occupier of the enterprise.

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**Article 10:****Right to Community Participation**

1. All persons have the right to participate in planning and decision-making processes affecting their living environment.
2. All persons have the right to planning and decision-making proceedings which are:
  - (a) public and open;
  - (b) accessible to all in timing and location;
  - (c) widely advertised in advance;
  - (d) not restricted by literacy, language or format of contributions.
3. All persons have the right to express their concerns and objections relating to hazards associated with establishing, modifying or expanding any economic enterprise.
4. All persons have the right to participate in the design and execution of on-going studies to determine the nature of any hazards to the living environment resulting from an economic enterprise.

**Article 11:****Right to Environmental Monitoring**

1. All persons have the right to regular and effective monitoring of their health and the living environment for possible immediate and long-term effects caused by hazardous or potentially hazardous economic enterprise.
2. All persons have the right to be consulted on the frequency, character and objectives of environmental monitoring. The right to organise nonprofessional monitoring strategies, such as lay epidemiology, shall be protected. The rights of women, whose experience in providing health care may reveal otherwise unidentified consequences of hazards, are particularly affirmed.
3. Any person, who bona fide believes that his or her community environment is endangered by the actions of any economic enterprise, has the right to an immediate and thorough investigation, to be carried out by an independent agency at no cost to the person acting bona fide.

**Article 12:****Right to Community Education**

1. All persons have the right to the effective dissemination of information regarding hazards in the community. This right extends to instruction based upon the best available information and standards, drawn from both national and international sources.
2. States shall take effective steps to provide for:
  - (a) clear and systematic labeling of hazardous substances;

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- (b) appropriate education of the community, including children, on hazardous products and processes;
- (c) training of police, medical professionals and other service providers on hazardous products and processes.

### Article 13:

#### Right to Community Emergency Preparedness Procedure

1. All persons have the right to an appropriate emergency preparedness procedure. Such procedure shall include warning systems for impending dangers and systems for immediate relief efforts.
2. All states shall take steps to provide communities with adequate emergency services, including the provision of police, fire fighting, medical and paramedical facilities and disaster management services,

### Article 14:

#### Right to Enforcement of Environmental Laws

1. All persons have the right to have their local environment adequately and frequently inspected by a trained environmental inspector who will rigorously enforce the law and take punitive legal action when serious breaches have taken place.
2. All persons have the right to environmental management legislation in compliance with the precautionary principle, so that where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason to postpone cost-effective measures to prevent hazards and environmental degradation.

### Article 15:

#### Rights of Indigenous Peoples

1. Indigenous peoples have the right to protect their habitat, economy, society and culture from industrial hazards and environmentally destructive practices by economic enterprises.
2. Indigenous peoples have the right to control over their land and to resource management of their land, which includes the right to assess potential environmental impacts and the right to refuse to allow environmentally destructive or hazardous industries to be set up on their land.

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### **Part III**

#### **Rights of Workers**

Article 16:

##### Specific Rights of Workers

In addition to their rights as members of the community, workers have specific rights applicable to their working environments.

Article 17:

##### Right to Working Environment Free from Hazards

1. All workers, both waged and unwaged, have the right to a working environment free from any existing or potential hazard arising directly or indirectly from the activities of any economic enterprise in particular from manufacturing or other industrial processes.
2. Any worker has the right to raise bona fide complaints to the employer or any outside parties regarding conditions or practices in the working environment that he or she believes are harmful or hazardous without fear of retaliatory action or other discriminatory action by the employer.
3. Any individual working in an environment from which it is impossible to eliminate any hazard, shall have the right to have provided, fitted free of charge and maintained in fully effective order, protective safety devices, including personal protective equipment necessary to eliminate any such hazard as far as is possible. Employers may not refuse to provide the most effective equipment available on the grounds of cost or inconvenience.
4. All workers have the right to safe systems of work. All employers have the duty to devise, provide, maintain and regularly update safe systems of work based on the best available information at all times.
5. No worker shall be subjected to exposure to a chemical, product or process when a less hazardous one could be substituted.
6. Governments and employers are responsible for ensuring hazard-free working environments. The inaction by either employer or government shall not be an adequate excuse for a derogation of duty by the other.

Article 18:

##### Right to Health and Safety Information

1. All workers have the right to be given reasonable notice of any proposed changes to their working environments which may pose a threat to worker health and safety.

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2. All workers have the right to be informed in their own language, and in a manner they are able to comprehend, of any known health hazard associated with any substance, material or process with which they come into contact during the course of their employment.
3. All workers have the right to be informed of the safety record of the work environment in which they are employed, including the number and type of accidents that have occurred, the extent of the injuries resulting therefrom and any known long-term adverse health risks that result from the substances, materials and processes used by the employer. Workers have the right to be regularly informed of the safety records of any economic enterprise affiliated by common ownership to the economic enterprise in which they work, and which uses any similar substance, material or process to that used in their work environment.
4. All workers employed in hazardous work environments have the right to be examined by an independent medical expert provided by the employer at the commencement of employment, and thereafter at periodic intervals defined on the basis of the most conservative estimate of potential risks, but in any case not exceeding one year and to be furnished with the resulting medical information.

### Article 19:

#### Right to Worker Participation

1. All workers have the right to participate effectively in management decision-making affecting health and safety.
2. All workers have the right to elect safety representatives. Such representatives have the right to participate in joint committees, composed of worker and management representatives in equal number, which meet regularly to address health and safety matters.
3. All workers have the right to participate in the design and execution of ongoing health and safety studies in their working environments to determine the nature of any risks to health and safety.
4. All workers have the right to establish and associate with community hazards centres and information networks. Governments and employers have a responsibility to support such organisations and programmes.

### Article 20:

#### Right to Health and Safety Monitoring

1. All workers have the right to a work environment that is regularly and effectively monitored for possible harmful effects to the health and safety of the workers employed therein.
2. Notwithstanding the duty of employers to monitor working environments, the right of workers to seek independent or worker-based monitoring shall not be infringed. This right includes the right to

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regular monitoring for possible adverse, long-term effects which may result from contact with the substances, materials or processes used in the working environment.

3. Any worker who bona fide believes that his or her health and safety is being or will be endangered by any substance, material or process used in the work environment has the right to an immediate and thorough investigation, to be carried out by the employer, an independent agency or by other means, at no cost to the worker.

#### Article 21:

##### Right to Instruction and Practical Training

1. All workers in contact with hazardous or potentially hazardous substances, materials or processes have the right to ongoing instruction and practical training regarding management of the hazard. The right to instruction and practical training based on the best available information, drawn from both national and international sources, is affirmed.
2. All workers and supervisors have the right to know and be fully instructed about the proper use and handling of any hazardous materials, the proper execution of any processes, the precautions necessary to protect health, safety and the living environment, and any procedures which should be followed in the event of an emergency.

#### Article 22:

##### Right to Workplace Emergency Preparedness Procedure

1. All workers have the right to an emergency preparedness procedure appropriate for the conditions or practices in their work environment which shall include warning systems for impending dangers and systems for immediate relief efforts, with full scale emergency preparedness rehearsals and desk top exercises to be held frequently.
2. Emergency preparedness procedures shall take account of the particular needs of individual workers, including those with visual, hearing or mobility impairments.
3. All workers have the right to adequate emergency services, including police, fire fighting, medical and paramedical facilities and disaster management.

#### Article 23:

##### Right to Enforcement of Health and Safety Laws

1. All workers have the right to have their work environments adequately and frequently inspected by a trained health and safety inspector who will rigorously enforce the law and take punitive legal action when serious breaches have occurred.
2. All workers have the right to adequate planning control legislation in compliance with the precautionary principle, so that where there are threats of serious or irreversible damage, lack of full scien-

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tific certainty shall not be used as a reason to postpone cost-effective measures to prevent hazards and environmental degradation.

### Part IV

#### Common Rights to Relief

##### Article 24: Right to Relief and Compensation

1. All persons injured or otherwise detrimentally affected by any hazardous economic activity have the right to swift comprehensive and effective relief. This right applies to all persons affected by hazards or potential hazards including persons not yet born at the time of injury or exposure, and those injured, bereaved or economically and socially disadvantaged, whether affected directly or indirectly.
2. This right includes the right to fair and adequate monetary compensation, paid to cover all costs associated with hazardous or potentially hazardous activities, including the costs of:
  - (a) drugs, tests, therapies, hospitalisation and other medical treatments;
  - (b) travel and other incidental costs;
  - (c) lost wages, bridging loans and other pecuniary loss;
  - (d) redundancy and unemployment in the case of plant shutdown;
  - (e) additional unwaged work including health care, born by family and community;
  - (f) any purchase, measure or lost opportunity caused directly or indirectly by hazardous processes or products;
  - (g) environmental rehabilitation.
3. All persons affected by hazards have the right to effective and innovative policies to reduce, abate or compensate for hazardous activities. To achieve the realization of this right, the steps taken by states and businesses shall include:
  - (a) plant shutdown;
  - (b) pollution abatements or cessation;
  - (c) guarantee by liable defendants to keep assets unencumbered;
  - (d) forced liquidation of the assets of a corporation whose liability is equal to or greater than its measurable assets;
  - (e) placement of corporate assets in annuity funds controlled by the persons affected or their representatives for the interests of persons affected;
  - (f) fair and adequate compensation for the costs of the medical monitoring of symptoms;
  - (g) other remedies that may be deemed to be necessary for the benefits of persons affected.
4. Funds shall be established adequately to satisfy the claims for the persons affected and of those affected in future.

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#### Article 25: Right to Immediate Interim Relief

1. All persons adversely affected by any hazardous economic activity have the right to immediate and adequate interim relief to alleviate their injuries and suffering during the time that liability and compensatory damages are being determined. States shall ensure that all hazardous or potentially hazardous enterprises provide financial resources, through insurance or other means, adequate to cover potential interim relief costs.
2. Where an economic enterprise fails to provide interim relief, it shall be the duty of the state to do so. Interim relief so provided will not be set-off against any final compensation allowed by the court.

#### Article 26: Right to Medical Information

All persons immediately or subsequently affected by hazardous activities, including persons unborn at the time of the exposure to hazard, have the right to obtain relevant documents pertaining to injuries, including medical records, test results and other information.

This right may be exercised at the earliest opportunity and may not be made subject to delay or non-compliance by either government or industry. Such disclosure shall not be made in a manner so as to prejudice the affected person's right of access to any service, insurance, employment or any social or welfare opportunities.

#### Article 27: Right to Professional Services

1. All persons adversely affected by hazardous activity have the right of access to effective professional services, including the services of lawyers, journalists, scientific experts and medical professionals.
2. Where questions of a scientific or medical nature are in dispute, all affected persons, or their representatives, have the right to genuinely independent advice, free from fear or favour. The right to seek independent or multiple advice is affirmed.
3. Professionals and experts shall refrain from:
  - (a) giving advice on the basis of inadequate information or expertise;
  - (b) obstructing the efforts of workers and communities to seek information, conduct research or gather data through lay epidemiology or other means;
  - (c) acting in concert against the interests of workers and communities.
4. All professionals having control of any information concerning the health of any injured or hazard-affected person shall have a primary duty of care towards the well being of that person. This duty shall at all times take precedence over any allegiance to any third party, including any government, professional organisation or commercial enterprise.



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### Article 28:

#### Right to Effective Legal Representation

1. All persons adversely affected by hazardous activities shall have the right to employ Independent legal counsel.
2. All states shall provide free legal representation and legal assistance by an independent legal expert, in any case where the interests of justice so require.
3. In the determination of any suit, the persons affected shall be entitled to consolidate the claims under:
  - (a) the auspices of a workers' or community organisation; or
  - (b) class action laws in which the rights of any persons affected are determined in one action.
4. All persons bringing or attempting to bring legal action have the right to inspect any relevant legal files held by their legal representative.

### Article 29:

#### Right to Choice of Forum

1. All persons adversely affected by hazardous activities have the right to bring law suit in the forum of their choice against alleged wrongdoers, including individuals, governments, corporations or other organisations. No state shall discriminate against such persons on the basis of nationality or domicile.
2. All states shall ensure that in the specific case of any legal claims arising from the effects of hazardous activities, any legal rule otherwise impeding the pursuit of such claims, including legislative measures and judicial doctrines, shall not prevent affected persons from bringing suit for full and effective remedies. In particular, states shall review and remove where necessary, legal restrictions relating to inconvenient forum, statutory limitations, limited liability of parent corporations, enforcement of foreign money judgments and excessive fees for civil suits.

### Article 30: Right to Pre-trial Documentation

All persons adversely affected by a hazardous activity and their representatives, have the right to seek and receive relevant documents, records or other information for submission in court or other independent tribunal or forum, for establishing individual, corporate, organisational or governmental liability during litigation.

### Article 31: Right to Fair Procedure

All persons adversely affected by hazardous activities shall have the right to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Included in this right is the right to the due process of law, including;

- (a) the right to opt out of class actions;

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- (b) the right to a reasonable notice and communication before an out-of-court settlement in a civil suit is reached;
- (c) the right to bring lawsuit notwithstanding the period of limitation set by administrative, legislative or judicial or any other means.

Article 32:

Right to Freedom from Fraud and Delay

All persons adversely by hazardous activities shall have the right to be protected against fraud by corporations, government or other organisations. Also prohibited is intentional delay or obstruction of the legal process, including:

- (a) declaration of bankruptcy;
- (b) abuse of the legal process to prolong adjudication;
- (c) fabrication of evidence.

Article 33:

Right to Enforcement of Judgments or Settlements

All persons adversely affected by hazardous activities and their representatives, shall have the right to enforce any judgment or settlement against the assets of the liable or settling party in any other countries and it shall be the duty of each state to provide under domestic law such comprehensive instruments as assist any of its citizens so affected.

Article 34:

Right to Shift the Burden of Proof

1. Where there is prima facie evidence that death or injury was caused by an industrial hazard, the hazardous economic enterprise has the burden of proving that it was not negligent.
2. No person adversely affected by hazardous activity shall be subjected to excessive documentation requirements or strict standards of proof in establishing that the hazardous activity caused their illness or symptoms. The link between hazards and illness shall be presumed if the affected persons establish
  - (a) they suffer from symptoms commonly associated with any harmful substance, or any component thereof, which contaminated the environment; and
  - (b) either
    - (i) they were present within the geographical area of contamination during the period of contamination; or
    - (ii) they belong to a group of persons commonly identified as secondary victims, including the siblings, partners, children or close associates of the original victims of the hazard.

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Article 35:

Right to Corporate or State Criminal Accountability

1. All persons, who have suffered injury or death from industrial hazards, have the right to a full criminal investigation into the conduct of the economic enterprise, any concerned government officials and any other concerned individual or organisation. The investigation shall be both immediate and rigorous and shall include an assessment of whether potential criminal offenses, including homicide or manslaughter, have been committed. Where sufficient evidence exists prosecution shall be pursued promptly and vigorously.
2. Where criminal liability of a company and or individual is proved, such fines and or prison sentencing are to be imposed as to have a punitive, exemplary and deterrent effect.

Article 36:

Right to Secure Extradition

Where a person accused of a criminal offense in connection with hazardous activities resides or is located in a state other than that in which the trial is being or will be conducted, the right to demand and secure the extradition of the accused to the trial state is hereby affirmed.

## Part V

### Implementation

Article 37:

Corresponding Duties

All persons, individually and in association with others, have a duty to protect the rights set out in this Charter. Employers and government officers are under a strict duty of care in vigilant application of the rights. Special responsibility for the realization of the provisions of this Charter lie with trade unions, community groups and non-governmental organisations.

Article 38:

State Responsibilities

All states shall respect and protect the rights of workers and communities to live free from industrial hazards. Accordingly, they shall adopt legislative, administrative and other measures necessary to implement the rights contained in this Charter.

Article 39:

Non-State Action

The absence of state action to protect and enforce the rights set out in this Charter does not extinguish the duties of employers, trade unions, non-governmental organisations and individuals to protect and assert these rights.



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### The international ethecon awards

Both International ethecon Awards are given only to persons and not to institutions in order to counteract the anonymisation of decisions which has been increasingly and systematically practised in the realm of social processes. In both the positive and negative ways it is always humans who bear responsibility. Especially when it comes to negative developments, the responsible love to hide behind the facade of some institution, to blame (alleged) "practical constraints" and "(unavoidable) inherent necessities" for (forcing) their decision.

Both International ethecon Awards have been assigned since 2006. Each year, in spring, an international call is sent out to up to 10,000 organisations and people all over the globe, in which ethecon Foundation for ethics and economy - asks for submission of proposals for the recipients of the two awards. From all the proposals received the prize-winners are then determined in a well-defined procedure.

ethecon's international Blue Planet Award is presented within (the framework of) a festive celebration and handed over to the award winner, who is invited and usually (if possible) present in person or takes part in the ceremony.

ethecon's international Black Planet Award is accorded in the same ceremonial act, but handed over at a later point in time. For this purpose, shareholders' meetings, corporate headquarters or the residences of those vilified are paid a visit; always accompanied by public protests by international social movements and wide-ranging media work. It is quite symptomatic that until now not a single one of those vilified by the International ethecon Black Planet Award has accepted the prize in person and publicly faced the critique.

### Hall of Fame

#### Internationaler ethecon Blue Planet Award

##### 2018

Mary Ann Wright (human rights and peace activist / USA)

##### 2017

Hanna Poddig (environmentalist and peace activist / Germany)

##### 2016

Huberto Juárez Núñez (activist of the trade union and workers movement / Mexico)

##### 2014/2015

Tomo Križnar (human rights and peace activist / Slovenia=

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**2013**

Esther Bejarano (survivor of the fascist extermination camp Auschwitz, musician  
anti-fascist and peace activist / Germany)

**2012**

Jean Ziegler (anti-globalisation activist / Switzerland)

**2011**

Angela Davis (civil and human rights activist / USA)

**2010**

Elias Bierdel (refugee- and human rights activist / Austria)

**2009**

Uri Avnery (peace and human rights activist / Israel)

**2008**

José Abreu (engineer / Venezuela) and Hugo Chavez (revolutionary / Venezuela) – under the name of  
"El Sistema" they set up a worldwide unique and widely publicized program against poverty, drugs,  
social negligence and crime that guarantees every child in Venezuela the right to learn  
to play a musical instrument

**2007**

Vandana Shiva (peace and environmental activist / India)

**2006**

Diane Wilson (environmental and peace activist / USA)

**Hall of Shame****Internationaler ethecon Black Planet Award****2018**

Herbert Diess (Chairman of the Administrative Board and CEO), Hans Dieter Pötsch (Chairman of the  
Supervisory board) as well as the major shareholders Wolfgang Porsche (PORSCHE HOLDING SE) and  
Stephan Weil (prime minister of lower saxony) of the world's largest carmaker VOLKSWAGEN (Ger-  
many)

**2017**

Armin Papperger (Chairman of the Administrative Board and CEO), Ulrich Grillo (Chairman of the Su-  
pervisory Board) as well as the major shareholders Larry Fink (BLACKROCK) and Paul Manduca of  
arms manufacturer RHEINMETALL (Germany)

**2016**

Muhtar Kent (Chairman of the Board and CEO), James Quincy (President and COO) as well as Warren  
Buffett and Herbert A. Allen (major shareholders) of the beverage corporation COCA COLA (USA)

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### **2014/2015**

Andrew N. Liveris (CEO) and James M. Ringler (member of board) as well as the major shareholders of the chemical group DOW CHEMICAL (USA)

### **2013**

Anshu Jain and Jürgen Fitschen (CEOs) as well as the major shareholders of the finance company DEUTSCHE BANK (Germany)

### **2012**

Ivan Glasenberg (CEO), Simon Murray (Chairman), Tony Hayward (Senior Independent Non-Executive Director; Environment, Health and Safety Committee) and major shareholders of the commodity trading company DEUTSCHE BANK (Germany)

### **2011**

Tsunehisa Katsumata (chairman), Masataka Shimizu (former president), Toshio Nishizawa (president) and other accountable executives and major shareholders of the energy company TEPCO (Tokyo Electric Power Company) / Japan

### **2010**

Tony Hayward (CEO), Bob Dudley (CEO-designate), Carl-Henric Svanberg (chairman of the board) and major shareholders of the oil- and energy company BP (Great Britain)

### **2009**

Owner family Wang and Lee Chih-tsuen (CEO) of the chemical, genetic engineering and electronics company FORMOSA PLASTICS GROUP (Taiwan)

### **2008**

Erik Prince (owner), Gary Jackson (president) and Chris Bertelli (spokesman) and other accountable executives of the service provider for the military BLACKWATER (for reasons of public reputation re-named to Xe Services LLC) / (USA)<sup>74</sup>

### **2007**

Peter Brabeck-Letmathe (CEO) and Liliane Bettencourt (major shareholder) and other responsible managers and major shareholders of the food and GE-company NESTLÉ (Switzerland)

### **2006**

Shareholders and the management of the agriculture, genetic engineering company and producer of chemical warfare agents MONSANTO (USA)

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<sup>74</sup> After negative headlines in 2008 the company changed its name to XE. Since then, it has changed its name several times.



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### The ethecon Foundation

Our blue planet is in serious danger. This is no longer denied, not even by politics and science.

But the underlying cause continues to be ignored: the greed for profit connected with the worldwide dominant economic system.

This profit-based system is responsible for injustice, exploitation and ecological destruction. The lust for profit is becoming more and more the sole motivational force in our society and in our management of the environment. The devastating consequences of this development may no longer be overlooked: massive unemployment, the breakdown of the health-, education- and social security systems, destitution, poverty and homelessness, egoism, crime and ruthlessness, weapons production and war, climate change and the collapse of ecological systems.

A different world, a just world, may only be achieved through the development and the implementation of ecologically-sound and humane economic and social models not based on profit maximization. To reach this goal, we must start at the roots, that is, within the competing interests of ethics and economics. We must stand up against those who profit from the globalization process and social decay. For the good of ecology and society, the primacy of ethical principles over economics must be asserted. The rescue of our planet will only be possible when the supremacy of the profit principle is replaced by an economic system based on ethical principles.

The transformation of our society in the direction of a just and fair social system with an intact environment and the overcoming of the profit principle cannot be achieved overnight. This requires perseverance and endurance. In order to achieve this necessary change, broad social movements must be established and fragmented forces united. However, good ideas and voluntary commitment alone are not enough. They must be backed by sufficient financial means.

This is where "ethecon Foundation Ethics & Economics" comes in. Whereas other groups and organizations – in a historical context – are active for a short time only, ethecon follows the insight, that successful work for the implementation of ethical principles in the interest of ecology and society must be designed to operate on a long-term basis, continuing past the current generation. The legal form as a foundation was deliberately chosen in order to ensure the necessary on-going financial basis for the securing and defence of the principle of solidarity as opposed to the principle of profit.

In order to bequeath future generations with a strong foundation, ethecon needs further endowment contributions, donations and sustaining members. Founded in 2004, the foundation was able to increase its initial capital of 85,000 Euros fourfold through the aid of subsequent endowment contributions (the latest figures may be found in the foundation's brochure "For a World without Exploitation and Oppression" or on <http://www.ethecon.org>).



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ethecon seeks people who, in light of the current devastating ecological and social developments, wish to use their financial resources in a responsible way. Many people want not only to talk about a just world, but to find ways to realize it, always with the goal of a sound environment, peace and humane working conditions for coming generations.

### **Act now**

Here is where you can help. If you agree that the prevailing profit-defined conditions must be opposed on a long-range basis, beyond the current generation, then please support ethecon – Foundation Ethics & Economy. If an endowment contribution (from 5.000 Euros) is not possible, your donation or, even better, your sustaining membership (from 60 Euros per year) would be greatly appreciated. It is now possible to make an endowment contribution over a longer period of time, with monthly payments starting at 20 Euros.

All contributions are tax-deductible (national laws may differ on this point). In Germany, the tax-exemption limit is much higher than for regular donations and also more advantageous than for donations to political parties.

Please act now! ethecon needs you, as an endowment contributor, donor or sustaining member. You may reach ethecon – Foundation Ethics & Economy on the internet at [www.ethecon.org](http://www.ethecon.org) or here:

Axel Köhler-Schnura (Board of directors)

Schweidnitzer Str. 41, D-40231 Düsseldorf / Germany

Fon +49 (0)211 - 26 11 210, Fax +49 (0)211 - 26 11 220, eMail [aks@ethecon.org](mailto:aks@ethecon.org)

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Fundación Ética & Economía Stiftung Ethik & Ökonomie

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