

Thank you Madam Chair,

This is a joint statement by the Transnational Institute (TNI) , Centre Europe-Tiers-Monde (CETIM) and Friends of the Earth International (FOEI) with ECOSOC Accreditation at the UN.

We are delivering this statement on behalf of the *Global Campaign to Dismantle Corporate Power and Stop Impunity*, an international network comprising over 200 organizations, social movements, trade unions and representatives of victims and affected communities from all around the world, and representing millions of peoples. The Global Campaign is also a founding member of the Treaty Alliance.

We would like first to congratulate you Madame Chair on your leadership and the flexibility and inclusiveness with which you have conducted this meeting. This week we have experienced here a very intense and rich debate, with many substantive and innovative contributions from the participating states, from the panelists and with ample opportunities for civil society to participate.

The Global Campaign to Dismantle Corporate Power and Stop Impunity has been actively participating in the discussion. It has submitted eight key demands for the legally binding instrument. These proposals were built from the grassroots and from the recommendations of social movements, trade unions and organizations representing victims and affected communities from all around the world.

We proposed that the instrument should focus on TNCs and close the gaps at the international level that allow TNCs to evade national jurisdictions and violate human rights with complete impunity.

We demanded that the instrument recognize the obligation of TNCs to respect all human rights, including national and international laws related to human rights, labour and the environment.

We demanded that the instrument reaffirm the obligation of states to protect against human rights violations committed by TNCs and codify their extra-territorial obligations in this regard.

We demanded that the instrument reaffirm the hierarchical superiority of human rights norms over trade and investment treaties and develop specific state obligations in this regard.

We proposed that the instrument establish the civil and criminal responsibility of TNCs and their executives, as well as the shared liability of TNCs for the activities of their subsidiaries, suppliers, licensees and subcontractors. We also emphasized that the principle of shared liability must also be applied upward, so that investors, share holders, banks and pension funds that finance TNCs can be held liable for the human rights violations that TNCs commit.

We demanded that the instrument include provisions on the obligations of international and regional financial and economic institutions, in particular the IMF and the World Bank.

We demanded that mechanisms be established at the international level to enforce the treaty and monitor its implementation, including a treaty body, a Public Centre for the control of TNCs and a World Court on TNCs and human rights.

Finally we cautioned that the process must be protected from corporate capture and we emphasized the need to take measures so that civil society organizations, in particular victims and affected communities as well as social movements, are able to inform the process and participate effectively.

Madam Chair,

We understand this is only the beginning of the process and the journey will still be long. But this is already a major step forward. For decades, social movements, trade unions, peasants, indigenous peoples and affected communities had been demanding binding norms at the international level to end the impunity of TNCs and ensure access to justice for the victims of their activities. After decades of failed attempts and discussions at the United Nations, the process towards the elaboration and adoption of such an instrument has finally started. This is a major achievement. We now have a historic opportunity to end the impunity of TNCs and improve in the long term and on a global scale the protection of human rights all around the world.

The Global Campaign to Dismantle Corporate Power and Stop Impunity is ready to continue to contribute to this effort. You can count on our active participation and support.

We can only regret the non-constructive attitude of western countries, including the European Union, that have attempted by all means and till the last minute to derail this important process. It is really a major concern that those same countries that are so pro-active when it comes to promote the interests of TNCs through the negotiation of new free trade agreements and bilateral investment treaties, are so obstructive when it comes to protecting human rights and holding TNCs accountable.

We would like to congratulate you once again Madam Chair for your leadership and assure you of the support of the millions of peoples in our social movements and organizations around the world.

Read by Brid Brennan
Transnational Institute (TNI)

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