

Intervention Panel II - Principles for an International Legally Binding Instrument on Transnational Corporations (TNCs) and Other Business Enterprises with respect to Human Rights

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I'm making this intervention on behalf of **UN ECOSOC Organization:**

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And on behalf of the Campaign to Dismantle corporate power and stop impunity.

Madame Chair,

We assist to an historical moment on the field of Human Rights as the negotiation for a New legally binding international instrument on Transnational Corporations (TNCs) and other Business enterprises with respect to Human Rights -Resolution A/HRC/26/9- is about to start.

I would like to precise in my presentation that, according to the Resolution, we are in this room to build a binding treaty in the field of International Human Rights Law to fill the gaps that have resulted in millions of victims as a consequence of the activities of TNCs, complicit governments and international economic groups.

I want to affirm our commitment with this process to achieve the objectives that have been pursued by the civil society for more than 40 years and for this, we need to put in place binding obligations on Transnational Corporations.

Madame Chair,

After World War II, and especially in the mid-60s, we saw how the internationalization of Human Rights developed. When Human Rights were finally recognized as an international legal good and, since the Universal Declaration of Human Rights of 1948, two essential characteristics are assigned to them: universality and indivisibility. Since then, the aim of the protection for human dignity and the enhancement of both legal principles have been

materialized by the Global System of Human Rights and also by some independent Human Rights Regional Systems.

Due to the International Public Law construction, the State is recognized as the main subject of international law and, consequently, also elevated to the central position to respect human rights standards and the reparation of its violations. Such a logic is also justified in the classical approach to the International Human Rights Law: the State is the one and only that could violate human rights and be liable for that.

By the end of the 1970s the activities of transnational corporations intensified and became global. This reality demanded new mechanisms of protection of human dignity. Both national and international.

This demand reached the late 1990s and early 2000s, when the interference of these economic agents in the living conditions of populations in many countries became comparable to the power of the States. Thus, strengthening the demand for more objective and binding rules to regulate transnational corporations arose as the logical answer to the necessities of the Victims of those activities.

Our conclusion is the mere voluntarism does not correspond to the specific historical demands of protection from Transnational activities in relation to human rights. Such an argument is strengthened by the adoption of Resolution 26/9 which establishes the mandate for a binding treaty negotiation process on TNCs in relation with Human Rights.

Madame Chair,

The Resolution has also established the importance to guarantee the protection of the human rights standards since the International Systems for Human Rights Protection was established. Therefore, the States in this process have the duty to recognize the history of human rights and to work towards a binding instrument to protect the affected populations from systematic and widespread human rights violations perpetrated by TNCs.

As it has been shown in the 4th point of document presented to the IGWG by the Campaign for Dismantle Corporate Power: the international binding treaty must reaffirm the hierarchical superiority of human rights norms over all Investment and Free Trade agreements and, finally, the Treaty must also build on and enhance the current international framework of Human Rights.

In conclusion, supporting the words of Madame the Chair, the principles of "Equity, Legality and Justice are the principles to respect in this process", but we also think that fundamental principles of human rights, such as *Universality; Indivisibility; Participation; Accountability, Transparency; Non-discrimination the expanded access to justice* and, specially, the *centrality of the victim's suffering* should not be sacrificed in the construction of a binding framework in the field of International Human Rights Law.

Thank you.