

Oral statement FoEI at Panel VII on legal liability of TNCs and other business enterprises

Madam chair, My name is Anne van Schaik and I am speaking on behalf of FoEI, which is a member of the TA and the Global Campaign to Dismantle Corporate Power and End Impunity, more than 1000 organisations and individuals, many of them here today.

My federation wants to state first and foremost that we think the treaty must establish the shared liability of TNCs for the activities of their subsidiaries, suppliers, licensees and subcontractors.

We want to highlight here that we cannot rely on the voluntary approaches by corporations or their financiers to avoid this legal liability, and want to briefly mention the case of palm oil giant Wilmar, who has adopted a no peat, no exploitation, no deforestation policy in December 2013, to be fully implemented by 2015. Many of their financiers have also adopted voluntary sustainability policies. Yet yesterday we published a report on Wilmar's misconduct, where we expose Wilmar's involvement in grabbing land from people, deforest and not respect national laws.

Voluntary codes of conduct like Wilmar's simply do not hold sufficient weight to solve problems of the company's own making. The company's failure to respect human rights in Nigeria is yet another example that transnational corporations like Wilmar cannot be trusted to police themselves. Also the financiers of Wilmar who are indirectly involved in these activities cannot be relied upon to implement their own policies.

So my question to the panel is if you think the legal liability of TNCs and other business enterprises should be extended as well to financiers?

Madam Chair, before I conclude can I just say something on this week. I and many of my colleagues feel inspired by this week's discussion, since this is the first time a discussion on binding rules for businesses has been discussed, with experts, NGOs, and countries at the UN. It is also the first time we have been able to discuss in depth what such a treaty should look like, in terms of scope and content. We are aware of the challenges ahead of us, and will continue to mobilise support for this treaty, engage with our governments around the world and let our movement grow. I thank you for your attention.