

**Written contribution by the Europe-Third World Centre (CETIM) and the  
Institute for Policies Studies/Transnational Institute to the 3rd Session of the  
Intergovernmental Working Group on Transnational Corporations and other  
business enterprises with respect to human rights  
(23-27 October 2017)**

**This written contribution is made on behalf of the Global Campaign to Reclaim  
Peoples Sovereignty, Dismantle Corporate Power and Stop Impunity  
(see the whole list of members of the Global Campaign  
at the end of this document)**

**Contacts :**

Melik Özden (CETIM) – [contact@cetim.ch](mailto:contact@cetim.ch)  
Monica Vargas (IPS/TNI) – [m.vargas@tni.org](mailto:m.vargas@tni.org)

**TREATY ON TRANSNATIONAL CORPORATIONS  
AND THEIR SUPPLY CHAINS WITH REGARD TO  
HUMAN RIGHTS**

**Global Campaign to Reclaim Peoples Sovereignty, Dismantle Corporate Power  
and Stop Impunity**

**October 2017**

## Foreword

The **Global Campaign to Reclaim Peoples Sovereignty, Dismantle Corporate Power and End Impunity** (Global Campaign) presents its proposal for a *Treaty on Transnational Corporations and Their Supply Chains with Regard to Human Rights* to the UN Human Rights Council Open-Ended Inter-Governmental Working Group (OEIGWG), mandated to develop “an international legally binding instrument on TNCs and other business enterprises with respect to human rights” as agreed in United Nations Human Rights Council Resolution 26/9 of 26 June 2014.

This treaty text is the fruit of a major collaborative undertaking built on a broad consultative process among affected communities, social movements and civil society organisations. This process was initiated with the drafting of a *Peoples Treaty* (2014), further elaborated with the “Eight Proposals” presented to the first session of the OEIGWG (2015) and the “Six Proposals” on specific themes presented to the second session of the Working Group (2016). For this third session (23-27 October 2017), a complete treaty text has been drafted through an intense process begun early in 2017 and involving international working meetings, three rounds of consultations throughout the network and forty written submissions exchanged and debated among activists and members as well as with experts inside and outside the Global Campaign.

The daily resistance struggles and strategies of the peoples and communities affected by TNCs inspire the language in these treaty articles. In this context, the treaty document is a work in progress reflecting the political will of the Global Campaign.

Through this treaty proposal, the Global Campaign engages the strategic work of the OEIGWG, with a view to advancing the construction of the United Nations treaty on TNCs and human rights. The time is now!

## **Preamble**

### **Part I: General Framework**

- Principles
- Rights Concerned
- Definitions for the Purpose of this Treaty

### **Part II. Transnational Corporations' Obligations**

- General Obligations
- Transnational Corporations' Obligations to Respect Human Rights

### **Part III. States' Obligations within in the Scope of this Treaty**

- States' General Obligations Regarding Transnational Corporations
- States' Obligation to Respect Human Rights
- States' Obligation to Protect Human Rights
- States' Obligation Regarding the Responsibilities of Transnational Corporations and Their Managers
- Remedy for Human Rights Abuses by Transnational Corporations
- Safeguarding Human Rights against Undue Political Influence by Transnational Corporations

### **Part IV. Obligations of Official International Economic and Financial Institutions and Regarding Trade and Investment Agreements**

- General Obligations
- Obligation of International Economic and Financial Institutions Regarding Human Rights
- Other Obligations

### **Part V: International Monitoring and Enforcement Mechanisms**

- International Court on Transnational Corporations
- International Monitoring Centre on Transnational Corporations

### **Part VI. International Cooperation Mechanisms for Investigations, Enforcement of Rulings and Jurisdiction**

### **Part VII. Access to Justice and Remedy**

- Rights of Individuals and Communities Affected by the Activities of Transnational Corporations
- States Parties' Obligations Regarding Access to Justice

### **Part VIII. Mechanisms of Participation in the Present Treaty**

### **Part IX. Final Provisions**

## **Annexes**

## Preamble

The States Parties to the present *Treaty on Transnational Corporations and Their Supply Chains with Regard to Human Rights*:

*Acknowledging* that even if States have primary obligation to respect, protect and fulfil human rights and to ensure that third parties respect them, TNCs also have the obligation to respect and protect human rights,

*Desiring* to promote the observance of the principles set out in the Charter of the United Nations; the Universal Declaration of Human Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; 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 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the Convention on the Rights of the Child; the Convention on the Rights of Persons with Disabilities; the Convention relating to the Status of Refugees; the Declaration on the Rights of Indigenous Peoples; the Declaration on the Right to Development; the Convention against Corruption, the Conventions and Recommendations of the International Labour Organization, the Convention on the Prevention and Punishment of the Crime of Genocide, the Convention on Slavery, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention for the Protection of All Persons from Enforced Disappearance, the four Geneva Conventions and their Optional Protocols, the International Convention against the Recruitment, Use, Financing and Training of Mercenaries; the International Convention on the Suppression and Punishment of the Crime of Apartheid, the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity; the Rome Statute of the International Criminal Court and other relevant international instruments approved at the international or regional level in the human rights framework; the customary international and the general principles of international law which constitute the basic pillars upon which to construct a new international judicial system,

*Emphasizing* the importance of agreeing on a Treaty establishing direct legal obligations for TNCs, and indirect obligations through States' obligations to protect, respect and fulfil human rights, including these obligations of TNCs in domestic and international law,

*Noting* that the globalisation of the economy has facilitated the growth and mobility of TNCs and generated enormous asymmetries of power between States, affected communities, individuals and corporations in terms of access to justice and the protection of individual person's and peoples' human rights, especially in the Global South and especially for women who live in situations of greater inequality,

*Reaffirming* that all human rights are universal, indivisible, interrelated and interdependent, and that all shall be recognised, protected and promoted in a fair and equal manner, on the same footing and with the same emphasis,

*Recalling* that States Parties have obligations under International Human Rights Law, which include extraterritorial obligations to protect human rights against the harmful activities of the corporations covered by this Treaty,

*Recognising* that the content of many international trade and investment instruments are inconsistent with human rights and that this is one of the elements that makes it difficult for States, acting separately or jointly, to comply with their human rights obligations,

*Considering* the need for the States Parties to this Treaty to detail these obligations in their domestic law,

Have agreed on the following:

## **Part I: General Framework**

### **Principles**

1. The States Parties emphasise that all human beings, wherever they are, are born free and equal in dignity and are entitled, without discrimination, to all human rights and freedoms – both individual and collective – that are inherent to their condition as human beings.
2. The States Parties emphasise that human rights and the rules on their implementation are inalienable, universal, indivisible and interdependent.
3. The States Parties reaffirm that States remain the fundamental subjects of international law.
4. The States Parties note that:
  - TNCs may be involved in human rights violations in different ways. Thus, it is necessary to keep in mind ways such as authority, complicity, collaboration, instigation, inducement and practices which impair human rights;
  - TNCs have the obligation to respect International Human Rights law.
5. The States Parties recognise the primacy of International Human Rights Law over all other legal instruments, especially those related to trade and investment.
6. The States Parties adopt the necessary judicial and political measures to ensure TNCs liability, criminal, civil and all other types, for human rights violations, including the adoption of provisions on compensation where appropriate.
7. States' obligations under trade and investment agreements and treaties are subordinated to the obligations established in this Treaty.
8. Under no circumstances States Parties accept lawsuits filed by TNCs under international trade and investment treaties that affect States' obligations to respect, protect and fulfil human rights.
9. The States Parties reaffirm their sovereign right to regulate the activities of foreign investors in their jurisdiction and, collectively at the international level, to adopt norms that regulate the activities of TNCs.
10. The States Parties agree to cooperate with one another with efficiency and immediacy to ensure compliance with this Treaty and to provide access to effective remedy, in particular through judicial mechanisms, whenever such access and remedy can be carried out in their jurisdiction. They shall

respect, accept and enforce the judicial decisions made in other State Parties of this Treaty, when referring to the sanctions applied to TNCs for human rights violations.

11. The States Parties guarantee access to justice, in equality of conditions, to the individuals and communities affected by TNCs' activities.

## **Rights Concerned**

12. The *International Bill of Human Rights* is the source of law of this Treaty. As *ius cogens*, it is an imperative norm defining and protecting the essential interests of humanity.

13. The rights covered by this Treaty include the rights recognized in the ten main international human rights treaties, in the international humanitarian law, and particularly economic, social, cultural, civil, political and labour rights; the right to development, self-determination and a healthy environment; and all the collective rights of indigenous peoples and native communities.

## **Definitions for the Purposes of this Treaty**

14. **Transnational corporation (TNC):** A transnational corporation, whatever its specific legal form and status, is a company operating in more than one State, or a group of companies operating in more than one State, controlled by a decision-making centre. The control may be exercised directly, indirectly, financially, economically or otherwise. The decision-making centre is sometimes called the "parent company", and may comprise extensions into other countries. Among the controlled companies are "affiliates", "branches" and others. If the TNC consists of only one company, this company is the TNC's "parent company". TNCs can be public, private or mixed.

15. **Supply Chain:** For the purposes of this Treaty, the TNC supply chain consists of companies outside the TNC that contribute to the operations of the TNC – from the provision of materials, services and funds to the delivery of products for the end user. The supply chain also includes contractors, subcontractors or suppliers with whom the parent company or the companies it controls carry on established business relations. The TNC may exercise influence over a supply chain company depending on the circumstances.

16. **Responsible solidarity:** for the purposes of this Treaty, responsible solidarity is the joint responsibility between TNCs, all its subsidiaries and their supply chain, including the parent company and private and public investors, including the International Economic and Financial Institutions (as defined below) and banks participating by investing in the production processes, for all of their activities.

17. **Home State:** The State in whose territory or jurisdiction the TNC's headquarters is located and/or where it makes strategic or operational decisions, and/or where control over its profits is based.

18. **Host State:** A State in which the TNC directly or indirectly carries out its operations and which cannot be considered a Home State.

19. **Official International Economic and Financial Institutions (IFIs):** Inter-governmental organisations, the United Nations and its specialised agencies (International Monetary Fund, World Bank), the World Trade Organization (WTO), development, trade and investment banks and other international financial institutions.

20. **Financial Entities:** In this Treaty, financial entities include TNCs that work as depository, contractual or investment institutes, such as banks, insurance companies, pension funds, hedge funds, investment companies and brokerage firms.

21. **TNC managers:** individuals in the corporation's hierarchy who are legally liable for its actions, as stipulated in the corporation's statutes, or occupy a leadership position and/or have decision-making power in the corporation.

22. **Affected Individual Community:** Any individual and community whose human rights have been, are or will be affected by the operations, products or services of a TNC and its supply chain. In legal terms, they may be called "victims".

### 23. **Extraterritorial Obligations**

For the purpose of this Treaty, extraterritorial obligations encompass:

- a. obligations relating to the acts and omissions of a State, within or beyond its territory, that affect the enjoyment of human rights outside of that State's territory owing to the home states' failure to regulate and control its TNCs; and
- b. obligations set out in the *Charter of the United Nations* and human rights instruments to take action, separately and jointly through international cooperation, to ensure compliance with the provisions of this Treaty.

## **Part II. Transnational Corporations' Obligations**

### **General Obligations**

1. The TNCs' obligations established in this Treaty apply to all TNCs that have one or more Home State or Host State, or to a State, Party to this Treaty, affected by the TNC's operations.
2. TNCs shall not engage in any action that creates a risk of human rights violations and abuses.
3. TNCs have obligations derived from International Human Rights Law. These obligations exist regardless of the legal framework in effect in Host, Home or Affected States, directly or through their supply chains.
4. TNCs and their managers whose activities contribute to the impairment of human rights shall be subjected to penal, civil and administrative liability depending on the case.
5. The obligations established in this Treaty relate to all TNCs and the organisations that fund them. Reference to these corporations does not exempt States from their human rights obligation to regulate the activities of national companies.
6. The parent companies have a responsible solidarity with their subsidiaries and their supply chains regarding the obligations established in this Treaty. The obligation to assume this liability shall apply regardless of the legal framework in effect in Home, Host or affected States.



## **Transnational Corporations' Obligation to Respect Human Rights**

7. TNCs shall not engage in any practices or conduct that violate human rights.
8. TNCs shall abstain from any act or activity that undermines or risks to undermine State obligations to respect, protect and fulfil human rights. In particular, TNCs under no circumstances should make demands upon a State regarding international trade and investment agreements, when these demands affect the obligation of States to respect, protect and fulfil human rights.
9. TNCs shall refrain from all forms of collaboration, complicity, instigation, incitement and cover-up (economic, financial or services) with other entities, institutions or people who commit human rights violations or abuses.
10. TNCs shall respect all international and national norms that prohibit discrimination, especially on the grounds of race, colour, sex, sexual orientation, religion, political opinion, union-affiliated activity, nationality, social origin, social affiliation, belonging to an indigenous people, disability, age, migrant condition or other condition that is not related to the requirements to do one's work, and shall adopt affirmative action measures when they are foreseen in the law and/or regulations.
11. TNCs shall respect the rights of women as regulated by International Human Rights Law, and especially avoid exploiting them and perpetrating violence against them. TNCs shall take the measures needed to ensure the equality of rights, a safe and healthy work environment and a culture that is supportive of women's participation in the work force.
12. TNCs shall not resort to using forced or child labour.
13. TNCs shall provide a safe and healthy work environment. They shall pay a wage that guarantees a decent life and decent work to workers and guarantees trade union freedoms and rights, including effective recognition of collective bargaining rights and the right to strike. These obligations also apply to investment zones, special economic zones, export-processing zones and all territories that have a special regulatory framework for exports. If TNCs provide housing, the housing facilities must be decent and include all the basic services necessary to ensure a decent life for workers. If TNCs do not provide housing, they must pay a wage that ensures workers are able to enjoy their human right to adequate housing without violating other human rights.
14. TNCs shall respect, guarantee and promote the rights of male and female workers, including the rights of migrant workers, regardless of workers' legal or administrative status, regulated by International Human Rights Law, while paying special attention to the rules of the International Labour Organization and the *International Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families*.
15. TNCs shall respect indigenous and traditional peoples' territorial rights, their right to self-determination and their sovereignty over renewable and non-renewable natural resources and genetic patrimony, located both under and above ground, while subordinating their activities to the consultation mechanisms established by International Human Rights Law. They shall fully respect the communities' traditional and customary decision-making practices, in the framework of human rights, and they shall respect the results of the process of decision-making and their right to free, prior and informed consent, in accordance with their representative and organizational structures, such as community referenda and assembly.

16. TNCs shall conduct their activities in accordance with the laws, regulations, administrative practices and national policies on environmental protection, while complying with international agreements, principles, norms, commitments and objectives regarding the environment and human rights, public health and safety, as well as bioethics and the precautionary principle. In addition, they shall not produce, market or promote products that are hazardous or potentially hazardous to people and nature.
17. Regarding agrochemicals and seeds, including genetically modified (GM) seeds, TNCs shall not replace peasant seed systems, nor harm in any way community and traditional seed banks and the peasant seed-sharing processes.
18. TNCs shall not patent any form of life present in nature, and shall establish the right of preference for public domain for discoveries that are fundamental to health and respect traditional knowledge on the management of biodiversity and land use.
19. TNCs shall not speculate on the commodities market – that is, on raw materials and agricultural products.
20. TNCs that are Internet service providers shall respect freedom of expression and association in their operations. They shall also guarantee that consumer rights, including the right to privacy, are protected in accordance with international rules and standards.
21. TNCs shall respect the rights of coastal communities and peasant communities, and abstain from bribery and other forms of corruption to gain access to land for mining concessions, aquaculture, agribusiness, tourism and other ventures.
22. TNCs shall comply with legal and regulatory tax provisions in the countries where they operate and shall contribute to host countries' public finances.
23. TNCs shall not channel their operations towards tax havens or jurisdictions with low levels of taxation.
24. TNCs from the financial sector shall assume their direct and full responsibility for funding projects that pose risks of human rights violations, are likely to cause environmental damage, or contribute to fraud and tax evasion.
25. TNCs shall not mobilise their workers, use the State armed or security forces, hire private military groups to attack, threaten or harm communities who are affected by their operations and who are organising to demand their rights and seek redress from the TNCs concerned.
26. TNCs shall not carry out forced evictions, demolish homes, destroy agricultural areas or arbitrarily confiscate or expropriate land and other natural resources, especially as a punitive measure or as a means or method of warfare. Such acts shall lead to the nullification of the contracts and concessions concerned.
27. TNCs shall not gain any profit from nor allow their products and services to be used in favour of a situation of military occupation and/or apartheid.

28. TNCs shall respect the collective processes, associations, organisations, movements and other forms of representation communities as legitimate interlocutors for dialogue.

29. TNCs shall provide precise and detailed information to the public on:

- a. the purpose, nature, scale and terms of the leasing contracts for their operations and/or other contracts, as well as the terms of those contracts;
- b. the activities, structure, ownership and governance of the TNCs;
- c. the financial situation and performance of the TNCs;
- d. the availability of grievance and redress mechanisms and the procedures for their use.

30. TNCs shall make public the identity of the partners with whom their investors carry out business and/or financial activities in order to prevent tax fraud and evasion, or intra-firm capital flows that violate human rights.

31. TNCs shall make public their corporate management structures, the individuals who are responsible for making decisions and their respective responsibilities in the supply chain. By doing so, shareholders become liable and the corporate veil can be pierced whenever TNCs violate human rights.

32. TNCs shall disseminate information through all appropriate means (print, electronic and social media, including newspapers, radio, television, mailings, local meetings etc.), taking into account the situation of remote or isolated and non-literate communities, and ensure that notification and consultation are carried out in the language(s) of the affected individuals and communities.

33. TNCs shall publish adequate information on the conditions of employment of migrant workers throughout their supply chains.

34. TNCs shall be held liable for any adverse effects on human rights they cause or to which they contribute, through dissimulated activities and/or complicity, as well as through instigation or inducement. TNCs shall take adequate measures for the prevention, mitigation and, where appropriate, remediation of such adverse effects.

35. In the case of the possibility of risks deriving from their operations, TNCs shall guarantee the participation of the affected individuals or communities in the management of the situation, while ensuring collective representativeness. The participation of affected communities or individuals in risk management and mitigation in no way diminishes responsibility for the TNCs regarding these risks and harm and their management.

36. In the event of imminent threat to human health or the environment, the TNCs concerned shall share immediately and without delay all information necessary for authorities and the public to take measures to mitigate the threat and prevent future damages.

## **Part III. Obligations of States in the scope of this Treaty**

### **General obligations of States in relation to Transnational Corporations**

1. The States Parties, individually and jointly, carry obligations to respect, protect and fulfil the effective enjoyment of human rights in the context of activities by TNCs. These obligations are territorial and extraterritorial. Extraterritorial obligations arise under the circumstances described below:

The States Parties have the obligation to ensure that TNCs based or operating in their territory refrain from conducts that create a risk of nullifying or impairing the enjoyment and exercise of human rights in the territory of other States, in the framework of the present Treaty.

2. The States Parties shall recognize that International Human Rights Law – including International Labour Law – is hierarchically superior to national and international trade and investment rules, because of their imperative character and *erga omnes* obligations (from and for the whole international community).

3. The States Parties shall take all necessary measures to adapt their national law in line with their international law obligations to respect human rights and protect them from the activities of TNCs that constitute a threat to human rights.

4. The States Parties shall elaborate, interpret and apply trade and investment agreements and economic, environmental or labour agreements with other States or entities, while respecting the juridical supremacy of their national and international human rights obligations and those arising from the present Treaty.

5. The States Parties shall not give preferential treatment to TNCs.

6. As Home States, States Parties shall guarantee effective access to justice to individuals or communities whose rights are affected by one or more TNCs, regardless of the nationality of the potential victim and where the incident that caused the impairment of human rights occurred.

7. In meeting their obligation to respect, protect and fulfil, the States Parties shall avoid all types of collaboration with TNCs condemned for the abuses of human rights and, in particular, they should not prevent the disclosure of the name of the company involved in these events.

8. All States Parties shall refrain from nullifying or impairing other States' meeting their obligations established by this Treaty.

### **States' obligation to respect human rights**

9. The States Parties shall refrain from any conduct that creates a real risk of nullifying or impairing the enjoyment of human rights within or outside their territory. States Parties shall not establish laws and policies favourable to any investment that creates real risks for the full enjoyment of human rights.

10. The States Parties shall refrain from any conduct that aids, assists, directs or coerces another State Party, entities or TNCs to breach its obligations under this treaty; or that aids, assists, directs

or coerces another State or entity to avoid protecting human rights from the conduct of TNCs, when the said State or organisation does so while aware of the circumstances of such conduct.

11. The States' obligation to respect human rights applies to the transnational activities of public enterprises and shall frame state decision-making on economic regulation. State responsibility also extends to the acts or omissions of these entities that act under State control.

12. The States Parties shall adopt preventive measures, which may include the suspension of collaboration with a TNC in question from the moment when complaints are filed against the corporation until the veracity of the complaints is verified. In cases where there is a risk of human rights abuses occurring, States are responsible for inspecting the TNC and the parties related to its supply chain.

13. The States Parties shall hold early and ongoing good-faith, effective and meaningful consultations with potentially affected individuals and communities facilitating and respecting their right to reject the planned project, with due regard for the standards cited in Part VIII of this Treaty. Such consultations shall also be held for any modifications of the operations and for each of its stages.

14. The States Parties shall organize consultation processes prior to taking decisions, without intimidation, in a climate of trust and respond to the contributions made during the process, while taking into consideration existing power and means imbalances between different parties.

15. The States Parties shall provide full, detailed and accurate information on the nature and scope of any TNCs' projects, on the possible impacts on the community's economic, social and environmental well-being, including the impact on the rights of women.

### **States' obligation to protect human rights**

16. The States Parties' obligation to protect human rights implies that they take the necessary measures to ensure that TNCs do not impair the enjoyment of human rights. This includes administrative, legislative, investigative, adjudicatory and other policy measures.

17. The States Parties must adopt and enforce measures to protect human rights from the harmful activities of TNCs by using legal and other means, at least in each of the following circumstances:

- a) The harm or threat of harm originates or occurs on its territory;
- b) The TNC, or its parent or controlling company, has its centre of activity or its main place of business, is registered or domiciled, or conducts substantial business activities in the State concerned;
- c) There is a reasonable link between the State concerned and the conduct it seeks to regulate, including where relevant aspects of a TNC's operations are carried out in the concerned State's territory.

18. TNCs that are awarded a contract by public administrations for the provision of services shall be subjected, prior to the signing of the contract and on a regular basis during the duration of the contract, to the supervision of state authorities to determine the impact of their operations on human rights. Civil society, especially social movements and affected communities, shall participate in the

supervision and there shall be secure channels for receiving information from the people. Supervision shall be carried out regularly and independently.

19. The content of this previous clause does not relieve States Parties of their obligation to adopt the measures necessary to investigate and judge complaints against TNCs for which they are a Home State, to adopt adequate punitive measures against natural or legal persons who abuse human rights; and to guarantee access to justice and effective remedy for individuals and communities whose rights are or may be affected by the activities of these corporations, regardless of where the incident occurred.

20. The States Parties, when TNCs are involved in violations of human rights, shall as a matter of law cancel contracts with those entities, apply penalties and guarantee reparation that corresponds to the damages caused.

21. The States Parties shall annul contracts with TNCs, which contain clauses or have harmful consequences for the people and communities, or they violate human rights. No compensation shall be invoked by these entities and they shall be excluded from public markets.

### **States' Obligations in relation to the liability of Transnational Corporations and their managers**

22. The States Parties of this Treaty shall concurrently establish administrative, civil and criminal liability for TNCs and their managers. Such liability shall exist regardless of whether they acted as perpetrators or accomplices of the human rights abuses, and shall extend to all links of the supply chain of the TNC in question. Moreover, the States Parties shall establish sanctions, including the dissolution of the TNC concerned, and oblige the TNC to cover of the fees of the process.

23. States Parties shall oblige TNCs to declare their existence, its parent company and subsidiaries, its own subsidiaries and all members of its supply chain, in order to facilitate the determination of liability of all corporations that individually or collectively hinder the enjoyment of human rights.

24. States Parties shall use one or more of the following two approaches to establish the liability of parent companies:

a) Recognise the principle of enterprise liability: For the purposes of this Treaty, States Parties shall recognise all TNCs and their supply chain as one entity.

b) Raising a rebuttable presumption (*iuris tantum*) of liability of a parent company for the human rights abuses committed by its subsidiaries and supply chain: The parent company is liable for the human rights abuses of the action of its subsidiaries and supply chains, until proven otherwise.

25. The presumption of joint and specific liability shall apply even when the TNC concerned is incorporated as a limited liability company under the law of the State in which it has been established.

26. The presumption of joint and several parental liabilities shall apply in cases where the TNC concerned has been incorporated as a limited liability company under the law of the State in which it has been established.

27. These obligations are not extinguished if the TNC is liquidated.

28. When dealing with the liability of TNCs under their international law obligations established by this Treaty, the rebuttable presumption on the liability of a parent corporation as described above shall be raised.

29. The States Parties must incorporate – or when they already exist, strengthen - liability mechanisms under their civil, administrative and criminal laws in order to ensure that individuals and communities whose human rights have been harmed by TNCs have access to remedies.

### **Remedy for Human Rights Abuses by Transnational Corporations**

30. State Parties shall guarantee access to justice and due process in accordance with International Human Rights Law, including regional human rights instruments to which States are parties.

31. States Parties shall provide effective remedy mechanisms, sensitive to gender issues and all other forms of discrimination. They shall also provide access to justice for individuals and communities threatened or affected by the activities of TNCs and falling under States Parties' jurisdiction, according to the provisions of the present Treaty and other international norms.

32. States Parties shall take the necessary steps to ensure that complaints can be filed against TNCs in national and international jurisdictions, including the International Court established in Part V of this Treaty and its auxiliary bodies, which have jurisdiction to receive individual and collective complaints, and investigate and sanction human rights abuses related to TNCs' activities, including those of their respective supply chains.

33. States Parties shall incorporate, when referring to reparation, the theory of punitive damages and, for the purpose of prevention, establish fines or reparations that punish the action and not only objectively compensate for the damage caused.

34. TNCs' Home States shall ensure that their judicial and administrative bodies respond to the legitimate requests submitted from any country where a TNC operates for access to data and information required for purposes recognised as legitimate under international law and norms.

35. Home or Host States of TNCs shall not apply the doctrine of *forum non conveniens* in cases of complaints of human rights abuses committed by TNCs. States Parties that are considered a TNC's Home or Host State must permit foreign individuals and communities harmed by the concerned company to bring a lawsuit before the State Party's courts, if they choose to do so. States Parties shall guarantee civil society organisations' access to courts to act on behalf of the victims in cases as the one described, provided they have an office in the State Party.

36. States Parties shall establish adequate procedures for determining the shared liability of TNCs, parent companies and their subsidiaries (*de jure and de facto*) in order to compensate rapidly, efficiently and adequately the individuals, entities and communities that have been harmed by their practices, through compensation, restitution and rehabilitation for all harm caused and all goods that have been depleted, at a level that is, at least, the equivalent of the harm caused.

37. In the event that the Home or Host States do not succeed in obliging the TNCs involved in human rights abuses to provide compensation to affected individuals and communities within a reasonable amount of time, the State shall take the necessary measures to remedy the situation and then turns against the responsible TNCs to recover the cost of this repair.

38. States Parties shall abstain from establishing extrajudicial agreements with TNCs that relieve them from their obligations to duly provide reparation and compensation to the individuals and communities affected by their operations.

### **Safeguarding human rights against undue political influence by Transnational Corporations**

39. The State Parties shall safeguard States' national and international policy space on human rights from undue interference by TNCs and refuse to give them the means to influence relevant policies on human rights in their bilateral, regional, multilateral or other types of trade and investment agreements.

40. States Parties shall take the necessary measures to protect these public policymaking processes and government bodies from the undue influence of commercial and other vested interests of TNCs. For this matter, the States Parties shall establish national legislation, including the following measures:

- a) Against interference from commercial and other vested interests in the establishment and implementation of any laws and/or public policies that seek to provide appropriate oversight, regulation and accountability of TNCs' activities in order to ensure the effective enforcement of this Treaty and enjoyment of human rights.
- b) State agencies that have hired TNCs shall be transparent and accountable, especially in relation to affected individuals and communities, in regards to all dealings with the TNCs.
- c) To document and disclose the files of contracts and other dealings with TNCs and related information to the public.
- d) To institute multi-year bans on the "revolving door" between State agencies and TNCs, and vice versa. For members of government, a five-year cooling-off period shall be instituted to avoid the risk of corporate capture.
- e) To prohibit all public employees from accepting gifts from lobbyists. And to prohibit TNCs from making financial contributions to political parties or candidates.
- f) To prohibit the use of State public security personnel and/or armed forces, through either employment or inducement, by TNCs.
- g) To establish measures to limit their interactions with TNCs and to ensure the transparency of such interactions when they occur. They shall reject partnership agreements with TNCs.
- h) To take measures to ensure that government officials and employees avoid conflicts of interest.
- i) To ensure that information provided by TNCs is transparent and accurate.
- j) To subordinate all trade diplomacy measures and support to the internationalization of corporations to International Human Rights Law.



## **Part IV. Obligations of Official International Economic and Financial Institutions and regarding trade and investment agreements**

### **General obligations**

1. When acting in the context of intergovernmental organisations, including International Economic and Financial Institutions, and of trade and investment agreements, States shall do so in accordance with the States Parties' obligations established by the current Treaty. They shall take all steps at their disposal to ensure that the organisation or the agreement concerned does not contribute to the impairment of human rights caused by TNCs.
2. States Parties shall give priority to compliance with the obligations established by the present Treaty and International Human Rights Law over obligations established by national rules or international agreements on trade and investment.
3. States Parties shall hold liable, even for their complicity, collaboration, instigation, incitement or concealment, the IFIs that fund TNCs responsible for human rights abuses and who knew or should have known of these abuses.
4. States Parties shall reject the inclusion of arbitration clauses that give international arbitration bodies jurisdiction over state-investor dispute resolution processes (ISDS).
5. States Parties shall take all measures at their disposal to guarantee that:
  - a) The United Nations and its specialised agencies, funds and programmes and other intergovernmental organisations, including international and regional trade, financial and investment organisations, shall promote the respect the full application of the provisions of the present Treaty and follow up on their effectiveness;
  - b) These organisations shall abstain from acts that threaten the ability of States to meet their national and international human rights obligations;
  - c) These organisations shall contribute to the regulation of financial transactions and speculation and take measures against practices of tax and wage evasion, "transfer pricing", corruption (active and passive) and trading in influence;
  - d) Mechanisms that give commercial interests greater influence over public interest, such as the revolving door, lobbying and financing public policy, among others, as well as forms of governance that equate TNCs' role with that of communities and social agents, are not reproduced in the international institutions in which they participate;
  - e) Measures are established to guarantee the participation of the affected individuals and communities.
6. Before entering into international obligations regarding trade and investment, States shall carry out a Human Rights and Environmental Impact Assessment. These assessments must meet at least the following requirements:
  - a) They shall be carried out before authorising an activity to begin or continue or before approving any change to the activity's characteristics or dimensions and influence each phase or action.

- b) The informed participation of the population in the elaboration of the assessment shall be guaranteed.
- c) It shall be performed in good faith and in due time, without undue delays.
- d) All relevant information on the process and its conclusions drawn from the process shall be made public.
- e) The right of affected individuals and communities to appeal the Assessments conclusions shall be guaranteed, including the right to question any aspect of the process of elaborating the Assessments before independent, impartial judicial or non-judicial bodies whose competence in the matter is established by the law.

## **Obligations of the International Economic and Financial Institutions regarding human rights**

7. The conduct of an IFI is attributable to the States governing it, because in most cases they constitute the majority of the group governing it. Therefore the conduct may implicate those States in breach of their human rights obligations. The IFI's obligation to avoid such conduct gives rise to a variety of human rights related obligations. for these organizations. States parties agree that these obligations include the obligation of IFIs and their managers to abstain from supporting any activities of TNCs and their supply chains that harm human rights.

8. IFIs shall respect all relevant norms and rules of international law in general. In addition, the World Bank and the International Monetary Found, as specialized UN agencies, are bound by the general objectives and principles of the United Nations Charter, which include the respect for human rights and fundamental freedoms.

9. Financial entities and the IFIs shall not finance TNCs and their supply chains if they know or should know that these nullify or violate human rights, otherwise they will be held accountable for the abuses under subsidiary liability.

10. Any conduct of these organizations and its managers that contravenes these obligations stands to be corrected by suitable disciplinary, administrative or other measures including the possibility of affected people or communities to seek compensation and reparation against the concerned organization.

## **Other obligations**

11. The States Parties shall cooperate to take all the necessary measures at their disposal to guarantee that:

- a) IFIs do not promote regulations that are in conflict with the respect of human rights, nor place conditionalities on their loans to the States.
- b) IFIs conduct public ex-ante and ex-post evaluations of the projects they finance and the policies they recommend to States.
- c) IFIs are held responsible for the reparation of damage caused by their failure to comply with these obligations.

d) The World Bank (WB) refrains from participating in any TNC project (extraction of natural resources, construction of infrastructure and others) which violates human rights, financed by the International Finance Corporation (IFC) and guaranteed by the Multilateral Investment Guarantee Agency (MIGA).<sup>1</sup>

e) The IFC and MIGA do not provide resources to financial intermediaries, such as commercial banks, private equity funds and hedge funds.

f) The IFC and MIGA reject loan requests from TNCs and companies belonging to TNCs and their supply chains that are known to have abused human rights.

12. The States Parties shall cooperate in taking all measures at their disposal to guarantee that:

a) In cases where IFIs do not meet these requirements (they attach conditionalities to loans, or due to the negative social and environmental impacts of their policies and the projects they fund), the States Parties cooperate to ensure that the controversial loans are cancelled without conditions.

b) If IFIs or other regional development banks (through the conditionalities imposed) violate human rights, these entities are held responsible for the impacts of their actions.

c) The World Trade Organization (WTO) respect the hierarchical superiority of International Human Rights Law in all its activities and agreements. It shall ensure that its arbitration panels are governed by the supremacy of International Human Rights Law rather than private commercial law, and ensure that human rights are not adversely affected.

## **Part V: International monitoring and enforcement mechanisms**

1. The UN Committees on Human Rights and other quasi-judicial and international jurisdictions shall be competent to directly receive complaints against TNCs and International Economic and Financial Institutions. They shall forward these to the International Court on TNCs, as instituted below.

2. Conflicts between TNCs and States involving human rights issues shall not be appealed to international arbitration tribunals on trade and investment. The instances that have jurisdiction to solve these conflicts are: international, national and regional jurisdictions, and mechanisms for monitoring and enforcement acting in a complementary manner.

### **International Court on Transnational Corporations**

1. To guarantee the implementation of the obligations set out by this Treaty, an International Court on Transnational Corporations is established, and whose statutes are included in Annex 3. The Court has the competence to receive, investigate and judge complaints against TNCs for violations and abuses of the rights mentioned in Part I and the obligations established in Part II of this Treaty.

2. The Court protects the interests of the individuals and communities who are affected by the operations of TNCs, which includes ensuring full reparation for them and imposing sanctions on TNCs and their managers.

---

1 The IFC and the MIGA are a member association of the World Bank Group.

3. The Court's rulings and sanctions are enforceable and legally binding.

### **International Monitoring Centre on Transnational Corporations**

4. An International Monitoring Centre on Transnational Corporations (hereafter referred to as the Monitoring Centre) is created in accordance with Annex 4. It will be responsible for evaluating, investigating and inspecting TNCs' activities and practices. The Centre shall issue recommendations based on its findings.

5. The Centre is managed collectively by States, social movements, affected communities and other civil society organizations.

### **Part VI. International cooperation mechanisms for investigations, enforcement of rulings and jurisdiction**

1. The States Parties shall cooperate in civil and criminal matters in accordance with the provisions of the present Treaty. They shall provide each other assistance for the investigations and the proceedings for civil, administrative and criminal matters that fall under the scope of the present Treaty.

2. The States Parties shall cooperate to ensure that TNCs meet the obligations specified in Part II of this Treaty. These obligations include measures to prevent the real risk of impairment of human rights by TNCs and their supply chains and the need to hold them accountable when they do not do so. If necessary, States must act jointly or separately to guarantee effective remedy for the affected individuals and communities.

3. The States Parties shall adequately institutionalize national and international mechanisms to protect witnesses and whistle-blowers and guarantee that they can continue their work.

4. The States Parties shall exchange information regarding cases of violations and illicit acts, as defined in this Treaty. Towards this end, they shall adopt legislative or other necessary measures to allow information on previous convictions of a TNC or a person responsible for abuses in another State to be used in proceedings related to the violations and abuses included in this Treaty. They shall also undertake to apply appropriate measures to determine adequate administrative, civil and criminal sanctions to be applied to entities (TNCs) and to TNC managers who have committed, or have been ordered to commit, acts contrary to the provisions of this Treaty.

5. States Parties shall afford one another the widest measure of mutual legal assistance in investigations, prosecutions and judicial proceedings in relation to the abuses and violations covered by this Treaty. They shall extend to one another similar assistance in cases where the requesting State Party has reasonable grounds to suspect that the offence is transnational in nature and that the victims, witnesses, proceedings or evidence of such offences are located in the requested State Party. If the Host State proves it lacks material resources for this purpose, Home States shall provide means of cooperation so that the inspection of TNCs' activities can be carried out.

6. Without prejudice to national law, the competent authorities of a State Party may, without prior request, transmit information relating to abuses by TNCs described in this Treaty to competent

authorities in another State Party when they believe that such information could assist such authorities in undertaking or successfully concluding investigations and proceedings, or could lead the latter State to formulate a request pursuant to this Treaty.

7. Cooperation mechanisms include, in particular, joint investigations, the transfer of proceedings, the protection of witnesses, the criminalization of the obstruction of justice by TNCs and their managers, extradition and transfer of sentenced persons, implementation measures and measures to enhance cooperation among law enforcement authorities.

8. The States Parties shall consider entering into bilateral and multilateral agreements for direct cooperation between their law enforcement agencies and, where such agreements already exist, amend them. States Parties shall make full use of agreements, including those of international or regional organizations, to enhance cooperation between their law enforcement agencies.

9. The States Parties shall seek persons accused of having committed or ordered to commit any of the offences within the meaning of this Treaty and shall have them appear before their courts, irrespective of their nationality. The States Parties may also surrender them to be tried by another interested State Party or by the International Court on TNCs, if the latter has filed a demand of extradition.

10. No State Party may exonerate itself, another State Party or another Contracting Party of their liabilities for the violations of this Treaty.

## **Part VII. Access to justice and remedy**

### **Rights of the individuals and communities affected by the activities of Transnational Corporations**

1. Affected individuals and communities have the right to information, justice, reparation and guarantees of non-repetition of the human rights violations and abuses mentioned in this Treaty.

2. Affected individuals and communities have the right to effective legal protection, to be exempt of all court costs, to initiate class actions and to have prompt, prioritized and simplified processes.

3. Affected individuals and communities have the right to a just and impartial system for evaluating and quantifying harm, regardless of the TNCs that cause such harm.

4. Human rights lawyers and defenders, recognized for their work on TNCs operations, have the right to freely respond to any accusation against them in order to avoid their criminalization and persecution. In this sense, such criminalization and persecution shall not be used as a way to dismantle the ties between groups and individuals whose actions oppose the TNCs involved in operations that result in human rights abuses.

### **States Parties' Obligations regarding access to justice**

5. The States Parties shall recognise the jurisdiction of the International Court on TNCs and the validity of its rulings, which will be binding. National jurisdictions shall enforce these sentences,

which will be considered enforceable and as last resort. National jurisdictions shall give rapid response to information requests issued by the International Court on TNCs.

6. The States Parties shall share immediately the information requested by the Court or the Monitoring Centre on the operations of TNCs whose siege or activities are in their jurisdiction.

7. The States Parties shall guarantee that the corporate veil is pierced in their respective jurisdictions when the veil prevents rulings against TNCs from being enforced. The International Court on TNCs shall order the veil to be pierced.

8. States Parties shall adopt national laws that regulate territorial and extraterritorial responsibility so as to allow individuals and communities affected by TNCs' practices to file complaints at national courts.

9. The States Parties shall guarantee that affected individuals and communities have effective access to justice, including the provision of appropriate housing based on their needs in order to facilitate their effective direct or indirect participation, including as witnesses, throughout all the stages of the procedure.

10. The States Parties shall guarantee that a complaint against a TNC can be submitted for the abuses committed in more than one country.

11. The States Parties shall adopt legislative, administrative or judicial measures that allow human rights lawyers and defenders to act in litigation processes against TNCs, while providing them technical and financial assistance.

12. The States Parties shall create protection programmes for human rights lawyers and activists who receive threats in virtue of their work against TNCs to allow for the implementation of the rules established by the "Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms".

## **Part VIII. Mechanisms of participation in the present Treaty**

1. In the areas covered by the present Treaty, the participation of social movements, affected communities and other civil society organisations is a key element in decisions on territory and the strengthening of democracy. Therefore:

a) States Parties shall apply the provisions of the present Treaty guaranteeing the participation of social movements, affected communities and other civil society organisations, when deciding to authorise or not the activities of TNCs (including those of non-national natural or legal persons that wish to carry out an activity or investment in the country) that may have impacts on human rights.

b) States Parties shall encourage, permit and recognize popular consultations (referendums and other mechanisms of popular initiative, participation and direct democracy) organized by potentially affected communities, social movements and other civil society organizations as a mechanism for deciding whether to carry out or not "development" projects (mining, energy, infrastructure, tourism, etc.) in their territories.

c) When there is no such direct participation mechanism organized by popular initiative, the States Parties shall organize and carry out consultations - the results of which are binding. These consultations shall be undertaken prior to the installation of TNCs or the realization of their investments in the territory. They shall also guarantee the participation in the decision-making process of potentially affected individuals and communities, social movements and civil society organizations.

d) States Parties shall adopt the necessary measures to guarantee access to information on human rights, the environment, health and labour rights affected by the activities of TNCs.

e) State Parties shall guarantee that public authorities divulge information on activities carried out by public or private agents that may have impacts on the population's human rights, especially when the information has been requested by the public.

## **PART IX. Final Provisions**

1. The provisions set forth in this Declaration shall be interpreted in accordance with the principles of justice, democracy, respect for human rights, equality, non-discrimination, good governance and good faith.

2. Nothing in the present Treaty shall affect any provisions which are more conducive to the realization of the rights of this Treaty which may be contained in the law of a State party.

3. The annexes to this Treaty shall form an integral part of this Convention.

4. The present Treaty is open for signature by any State Member of the United Nations.

5. The Secretary-General of the United Nations is designated as the depositary of the present Treaty.

6. The present Treaty shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the tenth instrument of ratification or instrument of accession.

7. For each State ratifying the present Treaty or acceding to it after the deposit of the tenth instrument of ratification or instrument of accession, the present Treaty shall enter into force three months after the date of the deposit of its own instrument of ratification or instrument of accession.

8. The provisions of the present Treaty shall extend to all parts of federal States without any limitations or exceptions.

9. Any State Party to the present Treaty may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate any proposed amendments to the States Parties to the present Treaty with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that at least one third of the States Parties favours such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.

10. Amendments, shall come into force when they have been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of the States Parties to the present Treaty.

11. When amendments come into force they shall be binding on those States Parties which have accepted them, other States Parties still being bound by the provisions of the present Treaty and any earlier amendment which they have accepted.

12. Reservations incompatible with the object and purpose of the present Treaty shall not be permitted.

13. Any dispute between two or more States Parties concerning the interpretation or application of the present Treaty which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.

### **Annexes (to be drafted)**

1. Guidelines for governments on the extraterritorial application of the laws and rules
2. Public registry of legal matters and complaints presented in the framework of this Treaty
3. International Court on Transnational Corporations
4. International Monitoring Centre on Transnational Corporations
5. Free Trade Zones



## **Members of the Global Campaign to Reclaim Peoples Sovereignty, Dismantle Corporate Power and Stop Impunity**

<b>International Level</b>	Fundación de Estudios para la Aplicación del Derecho (FESPAD), El Salvador
Bi-regional Europe-Latin America and the Caribbean Enlazando Alternativas Network	Fundación de Investigaciones Sociales y políticas (FISYP), Argentina
Blue Planet Project	Fundación para la Cooperación APY – Solidaridad en Acción, Spanish State
CADTM Internacional	Fundación Solon, Bolivia
Corporate Accountability International	Global Change Factory, Germany
Food & Water Watch	Grassroots International, United States of America
Friends of the Earth International (FOEI)	Groundwork - Friends of the Earth South Africa
Global Forest Coalition (GFC)	Groupe de Recherche pour une Stratégie Economique Alternative (GRESEA), Belgium
International Articulation of those Affected by Vale	Grupo Sur, Belgium
La Via Campesina International	Hegoa, Instituto de Estudios sobre el Desarrollo y la Cooperación Internacional del País Vasco, Basque Country
The International Office for Human Rights Action on Colombia (OIDHACO)	India FDI Watch, India
Transnational Institute – TNI	Indian Social Action Forum (INSAF), India
World Forum for Alternatives	Indonesia for Global Justice, Indonesia
World March of Women	INESC - Institute for Socioeconomic Studies
World Rainforest Movement	Ingeniería Sin Fronteras, Asturias
FIAN International	Innovations for Change, Nigeria
Intercontinental Network for the Promotion of the Social Solidarity Economy (RIPESS)	Institute for Policy Studies (IPS) Global Economy Project
International Association of Democratic Lawyers (IADL)	Instituto de Ciencias Alejandro Lipschutz (ICAL), Chile
URGENCI	Instituto Equit – Género, Economía e Ciudadanía Global, Brazil
<b>Regional Level</b>	Instituto Latinoamericano para una sociedad y un derecho alternativo (ILSA), Colombia
Social Movements for an Alternative Asia (SMAA) African Uranium Alliance, Africa	Instituto Mais Democracia, Brazil
Amigos de la Tierra América Latina y el Caribe – ATALC	Instituto Políticas Alternativas para o Cone Sul (PACS), Brazil
CADTM – AYNA, Americas	Janpahal, India
Campaña Justicia Climática, Americas	Jubilee Debt Campaign, United Kingdom
Coordinadora Andina de Organizaciones Indígenas – CAOI, Andean region	Justiça Global, Brazil
	Koalisi Anti Utang (KAU) -
Focus on the Global South, India/Thailand/Philippines	Anti Debt Colition Indonesia
Food & Water Watch Europe	KRuHA, Indonesia
International Alliance of Natural Resources in Africa (IANRA)	La Via Campesina Africa 1 - Mozambique

Jubilee South - Asia Pacific Movement on Debt and Development	Labour Research Service (LRS), South Africa
Jubileo Sur Americas	Mahlathini Organics, South Africa
Plataforma Interamericana de Derechos Humanos, Democracia y Desarrollo (PIDHDD), Americas	Marcha Mundial de Mujeres Chile - Colectivo VientoSur
Red Latinoamericana por el Acceso a Medicamentos	Mesa Nacional frente a Minería Metálica, El Salvador
Red Latinoamericana sobre Deuda, Desarrollo y Derechos (LATINDADD)	Milieu Defensie – Friends of the Earth, Netherlands
Red Vida	Mining Affected Communities United in Action (MACUA), South Africa
Southern Africa Faith Communities Environmental Initiative (SAFCEI)	MiningWatch Canada
Third World Network Africa	Movimento dos Atingidos por Barragens (MAB), Brazil
Transnational Migrant Platform, Europe	Movimiento Rios Vivos, Colombia
Young Friends of the Earth Europe	Movimiento Social Nicaraguense -Otro Mundo Es Posible, Nicaragua
Hemispheric Social Alliance, Americas	Multiwatch, Switzerland
RIPESS-Europe	National Garment Workers Federation (NGWF), Bangladesh
transform!europe	North East Peoples Alliance, India
<b>National Level</b>	Northern Alliance for Sustainability (ANPED), Belgium
Centre for Trade Policy and Development (CTPD), Zambia	Observatório de la Deuda en la Globalización (ODG), Spain
Comité por los Derechos Humanos en América Latina (CDHAL), Canada	Observatorio de Multinacionales en America Latina (OMAL), Spain
Foro Ciudadano de Participación por la Justicia y los Derechos Humanos (FOCO), Argentina	Observatorio Petrolero Sur (OPSur), Argentina
¿Economía Verde? ¡Futuro Imposible! – Alianza por una alternativa ecológica, social y urgente al capitalismo, Spain	Otramerica, Paraguay
Action from Ireland (AFRI)	Palenke del Alto Cauca (PCN), Colombia
African Women Unite Against Destructive Natural Resource Extraction (WoMin), South Africa	Partido de la Rifondazione Comunista/Izquierda Europea, Italia
Alianza Mexicana por la Autodeterminación de los Pueblos (AMAP)	Pax Romana, Switzerland
All India Forum of Forest Movement (AIFFM), India	Philippine Rural Reconstruction Movement (PRRM), Philippines
Alliance of Progressive Labour (APL), Philippines	Plataforma Alternativa para el Desarrollo de Haití (Papda)
Alternative Information Development Center (AIDC), South Africa	Plataforma de Direitos Humanos - Dhesca Brazil
Alyansa Tigil Mina (ATM), Philippines	Plataforma Rural – Alianza por un Mundo Rural Vivo, Spain
Amigos de la Tierra (Spain)	Polaris Institute, Canada
Anti-Apartheid Wall Campaign (Stop the Wall), Palestine	Recalca, Colombia
Arlac, Belgium	Red Internacional de Derechos Humanos (RIDH), Switzerland

ATTAC Argentina	Red Mexicana de Acción frente al Libre Comercio (RMALC), Mexico
ATTAC Austria	Red Muqui Sur, Peru
ATTAC France	Red Nacional Genero y Economía Mujeres para el Diálogo, AC, Mexico
ATTAC Spain	Rede Social de Justiça e Direitos Humanos, Brazil
ATTAC Switzerland	Revuelta verde/Rising Tide, Mexico
ATTAC Vlaanderen	SEATINI, Zimbabwe
Bench Marks Foundation, South Africa	SETEM Catalonia
Beyond Copenhagen (BCPH), India	SIEMBRA, AC, Mexico
Biowatch South Africa	Sindicato de Trabajadoras de la Enseñanza de Euskalherria – STEE-EILAS, Basque Country
Both ENDS, The Netherlands	Soldepaz Pachakuti, Spain
Brazilian Interdisciplinary AIDS Association (ABIA)	Solidaridad Suecia – America Latina (SAL) / Latinamerikagrupperna, Sweden
Brazilian Network for the Integration of the Peoples (REBRIP), Brazil	Solifonds, Switzerland
Campaña de Afectados por Repsol, Catalunya	SOMO – Centre for Research on Multinational Corporations, Netherlands
Campaña Explotación a Precio de Saldo, Spain	South African and Allied Workers Union (SATAWU), South Africa
Campaña Mesoamericana Para la Justicia Climática, El Salvador	South African Water Caucus (SAWC), South Africa
Censat Agua Viva – Amigos de la Tierra Colombia	South Asian Dialogues on Ecological Democracy (SADED), India
Central de Trabajadores de la Argentina (CTA)	South Durban Community Environmental Alliance, South Africa
Centre Europe Tiers Monde (CETIM), Switzerland	Southern Africa Green Revolutionary Council (SAGRC)
Centre for Natural Resource Governance, Zimbabwe	Spaces for Change (S4C), Nigeria
Centre for the Development of Women and Children (CDWC), Zimbabwe	Students and Scholars Against Corporate Misbehavior (SACOM), Hong Kong, China
Centro de Documentación e Información Bolivia (CEDIB)	Sustaining the Wild Coast (SWC), South Africa
Centro de Documentación en Derechos Humanos “Segundo Montes Mozo S.J.” (CSMM), Ecuador	Swiss Working Group on Colombia
	Terra de Direitos, Brazil
Centro de Estudios para la Justicia Social Tierra Digna, Colombia	Toxics Watch Alliance (TWA), India
Centro de Investigación y Documentación Chile-América Latina (FDCL), Germany	Trust for Community Outreach and Education (TSOE), South Africa
Centro de Investigaciones e Información en Desarrollo (CIID), Guatemala	Unidad Ecologica Salvadoreña (UNES), El Salvador
CIVICUS, South Africa	UNISON, United Kingdom
COECOceiba, Costa Rica	Veterinarios sin Fronteras, Spanish State
Colectivo de Abogados José Alvear Restrepo (CCAJAR), Colombia	War on Want, United Kingdom

Colectivo de Mujeres Hondureñas (CODEMUH), Honduras	A Seed Japan (Action for Solidarity, Equality, Environment and Development)
Colibri, Germany	AM-net (APEC Monitor NGO Network)
Col·lectiu de Respostes a les Transnacionals (RETS), Catalunya, Spain	Association Internationale de Techniciens, Experts et Chercheurs (AITEC), France
Comision Intercesial de Justicia y Paz, Colombia	ATTAC Japan
Comisión Nacional de Enlace (CNE), Costa Rica	ATTAC Morocco
Comité pour le respect des droits humains “Daniel Gillard”	Centro de Derechos Económicos y Sociales (CDES)
Commission for Filipino Migrant Workers – International Office, Philippines	Comité Permanente por la Defensa de los Derechos Humanos (CDH)
Common Frontiers, Canada	Confederación General del Trabajo (CGT)
Coordinación por los Derechos de los Pueblos Indígenas (CODPI), Spain	Coordinadora Estatal de Comercio Justo en España
Corporate Europe Observatory (CEO), Belgium	Diálogo 2000 - Jubileo Sur Argentina
Council of Canadians, Canada	ECOAR)))
Cristianos de Base, Spain	Friends of the Earth - France
CSAAWU, South Africa	Friends of the Earth Japan (FOE - Japan)
Democracy Center, Bolivia	Global Justice Now/ Attac UK
Derechos Humanos sin Fronteras, Perú	Grassroots Global Justice, United States of America
Eastern and Southern Africa Farmers Forum (ESAFF) - Zambia	HOMA Center for Business and Human Rights
EcoDoc Africa	IBASE - Instituto Brasileiro de Análises Sociais e Econômicas.
Ecologistas en Acción-Ekologistak Martxan – Ecologistes en Acció, Spain	Japan International Volunteer Center (JVC)
Economic Justice Network of FOCCISA, South Africa	LAB Euskal Herria/País Vasco
Enginyeria sense Fronteras, Catalonia	Laboratorio de Investigación en Desarrollo Comunitario y Sustentabilidad de México
Entrepueblos, Spain	Legal Resources Centre
Environmental Monitoring Group, South Africa	NOVACT International Institute for Nonviolent Action
Environmental Rights Action/Friends of the Earth Nigeria	Pacific Asia Resource Centre (PARC)
Federació de Associacions Veïnals de Mataró (FAVM), Catalunya	Unión de Afectados y Afectadas por la Operaciones de Texaco - Ecuador
Federation of Organs for Social and Educational Assistance (FASE), Brazil	VIGENCIA!
France Amérique Latine (FAL), France	
Fresh Eyes- People to People Travel	
Friends of the Earth Scotland	
Friends of the Earth, Finland	
Friends of the Landless, Finland	