

Al-Haq, Law in the Service of Man (Tides Center – ESCRNet Member) Statement

Access to Justice Session

25 October 2017

Open-ended intergovernmental working group on transnational corporations
and other business enterprises with respect to human rights

Third Session (23-27 October 2017)

Thank you Mr. Chairman

We have to remember, the primary objective of this treaty is to protect victims from the activities of business and provide them with Access to Justice. Note I say activities, not violations, because in order for the victim to challenge the corporation, the victim must first have the right to do so.

This treaty helps to address the lack of a horizontal relationship between the corporation and the individual victim, because while the vertical relationship with the state may afford the individual the opportunity to bring a claim, the claim will not go very far if there is no horizontal relationship between the individual victim and the corporation.

This is particularly true in terms of corporations of a transnational nature. The relationship must be an internationally horizontal relationship creating rights and duties between natural and legal persons in different countries that can be enforced in either forum.

The issue of Domestic Business Enterprises can be easily addressed in the domestication process or with a complementarity requirement similar to that of the Rome Statute for the International Criminal Court, and should not push back the horizon of justice for victims.

There is a misconception that this treaty is anti-capitalism. This is untrue. It is about the evolution to socially-conscious capitalism. This treaty will help infuse a soul into capitalism and help it evolve from Alphabet to Adam.

Mr. Chairman, after World War I, when the existing New World Order began to emerge, the population of the world was less than 2 billion. Today the world population is nearing 8 billion which means, many more victims. The existing New World Order has been weighed and found wanting.

It is time for New World Order 2.0; rest assured we are not calling for a revolution, merely an upgrade in the operating system of global governance before it crashes.

The people of the world want their world back. This treaty is merely an amendment to the social contract and an important step towards achieving this goal.

Thank you.