

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

23 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. Chairperson.

I represent Al-Haq, a Palestinian Human Rights Organization, and an ESCRNet member.

I want to commend the working group on the progress made and encourage you to see it through until the binding treaty becomes a reality. A new reality that is urgently needed.

Winston Churchill is quoted as saying “The farther back you can look, the farther forward you are likely to see.”

There is no denying the instrumental role that the historical injustices of colonialism played in creating the global inequality and corporate impunity we are addressing today, with corporations such as the British South Africa Company and Dutch East India Company exemplifying the corporate role in the colonial enterprise.

Today, Palestinians continue to suffer from the classical settler and exploitive colonial model that Israel has refined into a best business practices of colonialism.

Hundreds of years ago, the global south did not have the benefit of international law to confront colonialism. Today, not only do we have the benefit of international law, there is an opportunity to play a leading role in its development.

There is a common saying in the finance world: ‘buy when there is blood in the streets’.

Yes, conflict can drive business, in the case of Palestine, business also drives conflict. The binding treaty provides us with the opportunity to address the role of business in conflict in addition to many other important issues, including women’s rights, human rights defenders and the environment.

With this treaty, the race to the bottom can be reversed and instead, a new bar of high standards can be set with the Conflict of Laws principle of Lex Loci Delicti playing a positive role for a change.

We recognize that justice knows no borders and what the Palestinians face is a microcosm of global injustice.

Nelson Mandella recognized the interconnected nature of our struggles when he said that South Africa will truly be free when Palestine is free. Our engagement in this process is a recognition that the Palestinian people will truly be free when the people of the world are free from corporate capture.

I urge you Mr. Chairperson and the members of the working group to keep this process alive and see it through to the end. Do not go quietly into the night in the face of the modern manifestation of manifest destiny which hides under the umbrella of globalization.

This treaty is for justice and attempts to delay or derail it, are an obstruction of justice for all.