

Thank you, Mr. Chairperson-Rapporteur.

I deliver this Corporate Accountability statement in association with the Center for Constitutional Rights.

Corporate trade associations and other representatives of commercial interests represent the views of profit-making business sectors in almost every area of national and international policy and law making. These policies and laws have a direct and profound impact of the realisation of human rights and the interests of the private sector in these spaces is inherently profit-motivated, and therefore conflicted.

Much of the litigation that we are involved in concerns human right violations that were in part the result of laws and policies that were originated by trade associations. An emblematic example of this concerns the activities of the American Legislative Exchange Council, known as ALEC.

ALEC operates behind closed doors to bring together law-makers and corporate representatives, to design draft legislation to promote unfettered free market access for corporations. ALEC pushes approximately 1000 of its draft laws through state governments each year, 200 of which pass into law. ALEC is infamous for initiating restrictive voter ID laws targeting communities of color; so-called 'Stand Your Ground Laws', which enabled the shooting and killing of Trayvon Martin in 2012; and a plethora of 'union-busting' legislation.

Since 2004, ALEC, on behalf of industrial agricultural businesses, has used its influence over state lawmakers to pass laws that criminalise, including by jailing, anyone who video-records the serious abuse of animals by agricultural businesses. ALEC has also sought to criminalise people who speak out for the rights of Palestinians on university campuses. In both cases CCR has supported litigation challenging the constitutionality of these laws.

All told, Mr. Chairperson-rapporteur, the undue influence of trade associations like ALEC on developing and deciding policies and laws has a profound effect on the realisation of human rights, at national and international level.

Fortunately, the international community has begun to recognise the conflict of interest that exists when corporations and their representatives engage in these processes. In this session the Intergovernmental Working Group has heard numerous references to how 180 States are now committed to an effective and practical means of ensuring the tobacco industry does not impose its interests on national and international health policy and law making. We should acknowledge the reality that corporate conflicts of interest in policy debates extend far beyond any one industry, even to the profit-driven perpetuation of international conflicts. At regional level, the European Parliament passed a resolution this year calling on the EU Commission to address conflicts of interest within the processes of the UNFCCC.

The Working Groups' negotiations come at a time of growing awareness of the impact of corporate capture on the realisation of human rights and effective models for addressing it are emerging. The legally binding instrument is a key opportunity to capitalise on earlier advances, in particular to establish Preventative Measures to safeguard national law and policy formation from the undue influence of trade association and other pecuniary interests. Thank you very much.