

19/10/2017

ORAL STATEMENT Draft: Conflict-affected areas

Thank you, Mr Chairperson,

FIDH, the Cairo Institute for Human Rights Studies and Al-Haq welcome the document of elements proposed by Ecuador.

Allow us, however, to highlight a key element missing from the discussion.

As highlighted by others, the framework document **does not mention conflict-affected areas**. Addressing this would be **important** for two main reasons. History shows that during situations of conflict, corporate actors tend to take advantage of grim realities for people on the ground as an opportunity for business. Similarly, States have often used corporations to perpetuate their violations of international law.

As civil society organizations, our continuous dialogue with victims on the ground gives us an alarming sense of the magnitude of corporate abuses of human rights occurring in conflict-affected areas. Those range from the aggressions of land and environmental defenders in post-conflict Colombia, to banking activities benefiting from Israeli settlements. As such, we find it worrying that the numerous links between **corporate human rights abuses and conflict-affected situations** are not addressed in the document of elements.

Several soft law initiatives already address corporate abuses of human rights in conflict-affected situations, including UN Guiding Principle No. 7 and 23, the Montreux Document and the OECD on Conflict Minerals.

We urge States to elaborate on the principles and notions that have been agreed upon at intergovernmental level, and to operationalize them. The instrument shall also ensure that States provide guidance to business enterprises to help them **identify and prevent** the risks of violations of international law in conflict affected areas.

More specifically, **“enhanced due diligence” of companies in conflict-affected situations** needs to be included and clarified in the future instrument. It is important to identify that enhanced due diligence requires more **urgent and immediate measures** to prevent business activities from engaging in circumstances where systematic and structural violations are occurring. This enhanced due diligence should also require consultations with CSOs, OHCHR and other bodies as a pre-requisite to beginning business activity.

Further, the future instrument shall include in the obligations of TNCs and OBEs the compliance and respect for international humanitarian law.

Finally, we would like to echo the Special Representative, John Ruggie, who called on States to develop *“innovative, proactive and, above all, practical policies and tools”* to combat corporate abuse. We believe that this treaty could be one of these tools together with others, such as the UN Database on Business in Israeli Settlements that have potential in contributing to address corporate capture and abuse of human rights violations.

I thank you.