Intervention during the Opening Session

4th Session, Open Ended Intergovernmental Working Group on transnational corporations and other business enterprises with respect to human rights (Working Group)

Warm greetings to the esteemed members of the Working Group. I am Mary Ann Manja Bayang, an indigenous person from the Philippines.

We commend the continuing work and determination of the members of the Working Group under the leadership of Ecuador, to be true to its mandate under Resolution 26/9 “to elaborate an international legally binding instrument to regulate, in international human rights law, the activities of transnational corporations and other business enterprises.”

Some States strongly claim the Working Group mandate ended at the termination of the 3rd Session in 2017 and therefore, lacks a legal basis for continuing its work.

We beg to disagree.

Resolution 26/9 provides specific objectives for the first 3 sessions of the Working Group. While sessions beyond the 3rd one were not explicitly mentioned in the Resolution, the mandate of the Working Group did not end.

According to the Resolution, the Working Group “mandate shall be to elaborate an international legally binding instrument”. This mandate is yet to be realized, and therefore persists as long as there is no agreed text for the treaty regardless of the number of Sessions needed for that goal.

At the opening of this 4th Session, we reiterate the words of UN Special Rapporteur on the Rights of Indigenous Peoples in her keynote message during the 1st Session of this Working Group:

“The mandate established by Resolution 26/9 is highly relevant and necessary. Corporations are key actors in shaping and influencing economic, as well as political, social and cultural issues, activities and frameworks all over the world, including production and consumption patterns and livelihoods of communities. While the global economic trends are increasingly characterized by the dominance of corporations, their role extends beyond the capacities of any one national system to effectively regulate their operations.

We face a context where corporations still lack international legal responsibility commensurate with their role and influence in international and domestic affairs. At the same time, there are gaps in the international legal framework in regard to the duty to protect human rights and access to remedy. xxx

An international legally binding Instrument would significantly help in establishing the much needed balance in the international system of rights and obligations with regard to corporations and host governments. xxx

Thank you.