Mr. Chair-Rapporteur,

I am Erika Mendes from Justiça Ambiental – Friends of the Earth Mozambique, we’re members of the Southern African Campaign and the Global Campaign to Dismantle Corporate Power. We work alongside communities affected by the many transnational corporations exploiting Mozambican resources and people - women in particular. Their quest for justice is a hard, tiring and almost impossible task.

We fought for over four years, in the Mozambican courts, just for the recognition of the rights of families who were living inside a mining concession area, during its operations. This is particularly problematic if we consider that the current land, resettlement and mining regulations clearly state that extractive companies must adequately resettle communities *before* starting their operations. Mr. Chair, member states present here, I’m sure you are aware of the vast power of Transnational Corporations to avoid justice and deploy all kinds of strategies in order to weaken the judiciary system in the countries of the Global South where most of their operations regarding resource extraction and human rights violations take place. In our view, the mandate of the Committee proposed on Article 13 of the current Revised Draft falls short of the existing UN treaty bodies. Article 13 must include the possibility of complaints against transnational corporations, and the Committee’s recommendations must be binding.

We also believe that without the establishment of an independent international implementation mechanism, it will not be possible to provide access to justice for affected peoples. Taking into account the power imbalances and TNCs ability to escape their obligation to comply with judgements of national courts, as it has happened with Chevron in Ecuador and Shell in Nigeria, we call for the creation of an international court for transnational corporations, with jurisdiction to receive, investigate and adjudicate complaints against TNCs for their human rights violations. The Court’s decisions and sanctions must be directly applicable and legally binding.

This mechanism may be set up in parallel and complementary to the Committee proposed in Article 13.

Several groups from Friends of the Earth Africa have worked together on a concrete proposal for the functioning of this International Court. Please refer to this publication, available at the back of the room, for more details.

Thank you.