**Article 15:**  **Institutional Arrangements (Committee, Conference of the Parties,**

**International Fund for Victims)**

Committee

Good afternoon, thank you for according me the privilege of addressing you today. This statement is submitted on behalf of the African Coalition for Corporate Accountability (also known as ACCA), which comprises of over 120 African CSOs across Africa.

While acknowledging the improvements made in the Second Revised Draft, it is of the outmost importance to also pinpoint the areas of concern. Although, to a certain degree, we salute the establishment of a Committee, it is disconcerting that the Second Revised Draft has yet to call for a global judicial mechanism. Adherence to the prescribed and proscribed provisions is contingent upon an effective enforcement mechanism. Therefore, the practicability of this document is tested by **how and if** it is able to provide access to justice for the victims of corporate-related human rights abuse.

This proposed committee lacks the legal power not only in its inability to ensure legal adherence, but also its unwillingness to allow for an individual complaints mechanism. Indeed, this oversight can be remedied by adding a provision (f) in Article 15.4 giving mandate to the committee to consider individual complaints and make decisions accordingly. However, these decisions are not necessarily binding. Although national courts may serve this function of binding parties, an international court is the best forum to hear matters whose impact is global, and thus necessitating a court whose decisions set international standard.

To this end, we suggest that a separate international court on business and human rights be established. This proposition is not contrary to the move to have courts that are not within the realm of national law to hear matters pertaining to corporate abuse, specifically that of criminal corporate abuse. In the African regional human rights system, ratification of the Protocol on Amendments to the Protocol on the Statute of the African Court of Justice and Human Rights (also known as the Malabo Protocol) will allow the African Criminal Court to hear matters on corporate criminal abuse that directly implicates legal persons.

International human rights law should not be viewed as static, but amenable to an ever-increasing societal expectation that legal persons are subject to the law, and thus subject to an international adjudicatory body.

International Funds for Victims

The provision on international funds for victims places the responsibility to raise funds, on behalf of the victims, solely on State Parties. We propose that TNCs also bear this responsibility. To this end, this provision should read as follows:

*States Parties and* ***TNC****s shall establish an International Fund for Victims covered under this (Legally Binding Instrument), to provide legal and financial aid to victims.*

Thank you Mr. Chairperson