

GENERAL ASSEMBLY

HUMAN RIGHTS COUNCIL

7th session of the Intergovernmental Working Group for the elaboration of an international legally binding instrument on transnational corporations and other business enterprises (25-29 October 2021)

General Debate

Joint statement : Corporate Accountability, Centre Europe Tiers Monde, Indigenous Peoples International Centre for Policy Research and Education - Tebtebba Foundation

Mr. President,

I am speaking on behalf of Corporate Accountability, Centre Europe Tiers Monde, Indigenous Peoples Rights International, who are members of the Global Campaign. We commend the States that continue to support the process of this treaty negotiation.

After hearing this first general discussion, we feel it is necessary to point out and recall the spirit and the letter of the original mandate of this process, established by Resolution 26/9, which aims at making transnational corporations (TNCs) and their global production chain respect human rights. In this regard, a clear distinction must be made between the human rights obligations of States and TNCs. States have general obligations to protect, respect, ensure respect for and fulfill human rights in the territories under their jurisdiction. They also have obligations not to violate the human rights of other people even outside their jurisdiction and to ensure that international institutions and entities respect human rights. As for TNCs, they have the obligation to respect human rights, labor and environmental standards in the conduct of their activities.

In this context, it would be wrong for the future treaty to target all types of enterprises, to target public, local or small companies whose activities are already covered by national jurisdictions. In fact, as we have emphasized on many occasions, TNCs have considerable economic and political power, but this power is not accompanied by accountability. This is not the case for small local businesses. For this reason, it is essential to focus on establishing the direct responsibilities of TNCs and to clarify their human rights obligations, distinct from those of States and not on the same level as small local businesses.

Another important element to be included in the future treaty is an effective enforcement mechanism at the international level to ensure legal liability of TNCs for human rights violations. The global campaign advocates for the establishment of an international tribunal to try violations committed by TNCs with dissuasive sanctions to prevent the recurrence of violations.

These are key elements that must be taken into consideration by the Working Group.

The peoples, citizens, affected communities and social movements place great hope in the success of the process initiated in this Working Group to bring TNCs under the law. States also have an interest in the adoption of such a treaty that will allow them to recover their lost sovereignty.

It is in this spirit that the Global Campaign has been engaged in the process of negotiating a binding treaty on TNCs in this Working Group.

We note with great regret that the current draft treaty falls far short of the Working Group's mandate. It is essential that this situation be rectified and the process put back on track.

Mr. Chair,

Thank you for your attention

Geneva, 25 October 2021