

Seventh session of the open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights

GENERAL ORAL STATEMENT

25 October 2021

On behalf of: CIDSE, CCFD-Terre Solidaire, Misreor, KOO, DKA, Fastenopfer, Focsiv, Broederlijk Delen, Entraide & Fraternité, CAFOD, Trocaire, Commission Justice & Paix Belgium, Alboan

Corporate violations of human rights and the toll that corporate activities exert on the planet, our common home, are an unbearable burden on our human family. As we slowly move away from a global health crisis, communities around the world still live through the loss of global forest-lands, the pollution of rivers and water sources, the destruction of their land by large mining projects and other impacts of business activities. It is clear we need to move beyond voluntary principles for corporations to ensure justice for right-holders.

CIDSE, CIDSE, CCFD-Terre Solidaire, Misreor, KOO, DKA, Fastenopfer, Focsiv, Broederlijk Delen, Entraide & Fraternité, CAFOD, Trocaire, Commission Justice & Paix Belgium, Alboan welcome this 3rd revised draft and this seventh round of negotiations as another piece in the global puzzle of answers to the multiple crises we face.

We congratulate the Chairmanship for its will to move the process forward by encouraging States to engage substantially on the text, and we invite State Parties to take this opportunity.

In particular, the European Union and its Member States should heed the call of civil society and faith-based organizations, movements and citizens to engage fully in the negotiations. The forthcoming EU Directive on Corporate Due Diligence and Accountability will not be enough to respond to the planetary challenges we face and cannot be an excuse to dismiss the negotiations.

We also call on States who have not joined the negotiations in previous years to do so with goodwill and respect for the process, abandoning efforts to undermine it.

Among the recommendations put forward in the written contribution of CIDSE and its members, we would like to highlight the following:

- Replace the term 'victim' with the more inclusive and affirmative 'right-holder'.
- Reinforce further provisions on right-holders' access to justice, in particular by clarifying provisions on the choice of applicable jurisdiction, reversal of burden of proof, and the removal of monetary and non-monetary obstacles.
- State unambiguously that a business enterprise's formal compliance with due diligence standards shall not absolve it from liability.

- Include the possibility for right-holders, be they indigenous communities or other affected right-holders, to explicitly deny consent to business activities in their territories. If given, such denial should be operationalized and result in ceasing of the activities or preventing them from taking place in the first place.
- Include measures for protecting human rights and environmental defenders, particularly women and indigenous people, and the specific threats they face.
- Ensure and operationalize the primacy of human rights over trade and investment agreements, especially in the context of arbitration mechanisms such as ISDS.