

**Statement delivered during the 7<sup>th</sup> session of negotiations for a UN  
Legally Binding Instrument on Transnational Corporations and Human  
Rights, monday October 25<sup>th</sup> 2021**

Mr. Chair-Rapporteur,

I am Ubrei-Joe Mariere from Environmental Rights Action – Friends of the Earth Nigeria, speaking on behalf of Friends of the Earth International, members of the Global Campaign to Dismantle Corporate Power.

Today we are living profound systemic crises that threaten our life and the planet. The climate crisis, the biodiversity crisis, the COVID crisis, are results of a socio-economic model that favours transnational corporations' pursuit of profits over human rights and the protection of the environment. My country, Nigeria, is one of the many examples of places where powerful transnational corporations have violated peoples' rights, caused irreversible damages to the environment, and have remained in impunity. Our national or even regional judicial systems are just not able to hold these big companies accountable for their violations, which is why many organisations in Africa and across the globe have been strongly supporting the process towards a UN binding treaty on transnational corporations and human rights.

This year, despite great mobilisation in the continent, many of us are not able to participate in-person in the session, or even virtually. Travel restrictions due to COVID-19, unequal access to vaccines between the people in the global South and the global North, increased financial barriers due to the economic impacts of the pandemic, digital connectivity problems and time zone issues have been severely limiting the participation of representatives from the Global South, including States, in these important negotiations. The barriers to adequate participation of representatives from some of the countries most severely affected by the impunity of transnational corporations undermine the objective of ensuring an inclusive and fair process of negotiations. We call for a stronger commitment from the Chair to ensure people from the South are able to follow, intervene and influence the direction of the negotiations.

We are also deeply concerned about the continuing hollowing out of key content in the drafts presented by the Chair. Although we note some positive changes in the third revised draft, most of these changes are cosmetic, rhetorical and ineffectual. These superficial changes fail to solve the structural problems and loopholes repeatedly highlighted by social movements and affected communities.

The new text unacceptably continues a logic centered on States' obligations, and fails to clearly establish direct legal obligations for transnational corporations. We are also concerned about the scope of the current draft, because business activities as such cannot be held liable, only natural or juridical persons. We demand that the

scope remains as originally mandated by Resolution 26/9, on TNCs and OBEs with a transnational character.

Despite the difficulties around participation and inclusiveness, we will work with our allies to make sure that the 7th session of negotiations is able to steer this process away from a text that is currently accommodating to the requests and interests of the corporate sector and their political allies.

Thank you.