Art 8 - Friends of The Earth International

Thank you, Mr. Chairman. My name is Erika Mendes, speaking on behalf of Justiça Ambiental from Mozambique and Friends of the Earth International, members of the Global Campaign.

First, I would like to emphasize that the 3rd draft with the proposals from States is the only document legitimate to serve as the basis for the 8th session. In this regard, I will recall the proposals considered positive for the consolidation of an effective international instrument that can fill the legal gaps on corporate responsibility of companies with a transnational character, in relation to violations of Human Rights across their global value chains.

Human rights violations, and in particular situations of undecent work, including modern slavery, land grabbing, and irreversible environmental destruction are located at the base and weaker links of the chains, places deliberately chosen and built to circumvent and evade trade union, regulatory and administrative controls and thus maximize exploitation. When TNCs and their representatives say that a legislation is ‘not implementable’, in fact they mean ‘not as profitable’, which is why their interests are contrary to the objectives of this process. It is essential to clearly establish the responsibility of parent companies for the whole chain.

For all the above reasons, we consider it essential to maintain the first and second paragraphs of art. 8.4, thereby supporting Palestine’s proposal presented at the 7th session.

We also note that, during the last session, important contributions to the third draft were made to guarantee the duty of States to ensure that their domestic legislation establishes adequate and inclusive reparation mechanisms, considering, with the use of appropriate language, that the companies can and do commit human rights violations. In addition, these contributions recalled the mandate of Res 26/9, which establishes the scope of the text only on transnational corporations and other businesses with a transnational character. In this regard, we highlight the proposal of Egypt to Article 8.4:

"8.4. States Parties shall adopt measures necessary to ensure that their domestic law provides for adequate, prompt, effective, gender and age-responsive reparations to the victims of human rights abuses and violations in the context of business activities, including those of a transnational character, in line with applicable international standards for reparations to the victims of human rights violations.

Where a legal or natural person conducting business activities of a transnational character is found liable for reparation to a victim of a human rights abuse or violation, such person shall provide reparation to the victim or compensate the State, if that State has already provided reparation to the victim for the human rights abuse or violation resulting from acts or omissions for which that legal or natural person conducting said business activities is responsible”

Continuing with this line of argument, we support the maintenance of article 8.5 of the 3rd Draft,, against Brazil's proposal to delete it. In this same direction, we support the maintenance of article 8.6 without the reservations defended by China. China’s position prevents this process from taking the necessary step forward towards including liability for transnational corporations.

Thank you.