

## **GLOBAL MOVEMENT FOR A BINDING TREATY**

### **MOVIMENTO GLOBAL POR UN TRATADO VINCULANTE**

We call States to participate actively in upcoming negotiations of the international treaty to ensure protection of human rights from the activities of transnational corporations and other business enterprises

We welcome the two successful sessions (2015 and 2016) of the United Nations open-ended intergovernmental working group (OEIGWG) on transnational corporations and other business enterprises with respect to human rights exploring the nature, scope, and elements that could be included in a “legally binding instrument on transnational corporations and other business enterprises with respect to human rights”. The OEIGWG will hold its next session in October 23-27, 2017, to begin negotiating the content and scope of the new instrument.

Globally, corporations are engaged in operations that result in environmental pollution and degradation, land grabbing, use of slave labor, threats to access to medicines and public health services, disrespect of labor standards, and cases of violence against people and human rights defenders, among others. For these abuses, corporations must be held accountable. Currently, there are a series of regulatory gaps, some due to the fact that corporations operate internationally, while the laws regulating them have a national character. In this context of impunity, business corporations more easily capture international as well as national institutions. Trade and investment agreements signed by States guarantee corporations ample rights and privileges and profit making, but there is no corresponding international regulation by States to ensure that the operations of corporations are conducted without incurring human and environmental rights abuses. The introduction and regulation of corporations’ liabilities nationally and internationally is needed so that States finally start meeting their obligations to protect human rights and the environment against harmful activities of transnational corporations and other business enterprises.

We believe that the rich debate that has taken place at the OEIGWG so far has shown the need for an international, legally binding instrument to (1) enhance the protection of affected individuals and communities against violations related to the operation of transnational corporations and other business enterprises, and (2) provide them with access to effective remedies, in particular through judicial mechanisms. The sessions included exchanges and debates between representatives of affected communities, experts, jurists, activists, and parliamentarians from different regions and sectors, with State representatives. The sessions have contributed to the identification of a common ground for further progress in the elaboration of the treaty based on the primary obligation of States to protect human rights, including extraterritorially.

The mobilization of movements and national and international civil society organizations has significantly grown. Their constant, constructive advocacy at national level and presence in the United Nations deliberations has been key to supporting the process and shown the importance of the prospective treaty for the struggles for social justice and human rights in the world.

The new legally binding instrument should be a step forward in the promotion and protection of human rights, building on previous efforts, and establishing a complementary framework to the existing international human rights instruments. A set of binding obligations and enforcement mechanisms is the next necessary and logical step in the process that started several decades ago. The treaty must stipulate the primacy of human rights law over corporate rights and privileges which are enshrined in the biased and unfair framework created in trade and investment agreements. It must also establish a strong international framework for corporate legal accountability to ensure access to justice for affected individuals and communities and thus put an end to business impunity. International cooperation among States must be strengthened to address these global regulatory challenges.

To be successful, the third session of the OEIGWG should encourage: (1) A substantive, cooperative, and constructive negotiation between States about concrete and detailed elements of the treaty concerning its content and scope, (2) A participatory approach to ensure diverse civil society perspectives, and (3) The establishment of a road map for the completion of the negotiations within a short period of time.

We underline our strong commitment to the process, urging all States to focus on the negotiation of the content of the treaty at this occasion. We call on the public to pay attention to this critical process and actively mobilize in support of it at the national, regional and international level.

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