

Declaration of the Global Campaign for the closing session of the OEIWG on TNCs and human rights, October 18, 2018

Mr. President,

The Global Campaign to reclaim peoples' sovereignty, dismantle corporate power and stop impunity (Global Campaign), an international network of more than 250 members representing social movements and affected communities and organizations by the activities of the transnational corporations (TNCs), has been firmly committed to the creation of the mandate of the Open-Ended Intergovernmental Working Group on transnational corporations (TNCs) and human rights, so that the latter elaborates a meaningful binding treaty to regulate the activities of TNCs.

The Global Campaign actively participated in the negotiation process of the said Working Group since its inception. As such, in addition to many written and oral contributions, we presented a draft Treaty proposal last year and this year we presented comments and proposals on the draft Treaty submitted by the Chair of the Working Group.

The Global Campaign assures its support to the Working Group to continue in the elaboration of the legally binding international instrument on TNCs.

Regarding the recommendations and conclusions, we regret that there is no reference to the discussions of the last three years.

Regarding content, it is essential that the Working Group substantially review the draft Treaty presented at the fourth session, by including the six following elements:

- 1) The future Treaty must be addressed to TNCs and other companies with transnational activities, in accordance with the mandate given to the Working Group in resolution 26/9.
- 2) The future Treaty must contain direct obligations for TNCs. It must also establish the joint and responsible liability of the parent companies with the entities throughout its global production chain (subsidiaries, subcontractors, suppliers, etc.).
- 3) The future Treaty must provide for an international enforcement mechanism with effective and binding enforcement powers. In this regard, the Global Campaign proposes the creation of an International Court to prosecute TNCs that commit human rights violations and an International Monitoring Center of TNCs.
- 4) The future Treaty must clearly establish the primacy of human rights obligations over trade and investment agreements.
- 5) The future Treaty must include concrete measures against the influence of TNCs in the public decision making process at the international and national levels.
- 6) Ensure effective participation of civil society in all stages of negotiations on the draft Treaty and protect this process from influence by TNCs and their representatives.

These are key elements for the success of the work of the Working Group and for the elaboration of a meaningful instrument that allows those affected to have access to

effective and tangible justice. Therefore, those elements must be included in the future revised Treaty.

For almost 50 years, United Nations bodies have worked to establish binding standards for TNCs, without success. Those affected have placed their hope in the work of this Working Group in their search for justice.

In a context of multiple crises (social, economic, political, health, environmental) and conflicts, this Working Group could make its modest contribution to alleviate these crisis by regulating the activities of these entities that escape all democratic and legal control. This regulation will also allow States and peoples, victims of TNCs, to recover an important part of their sovereignty.

We urge all States to constructively engage in the process, respecting the purpose of Resolution 26/9.

Thank you for your attention.