

GLOBAL MOVEMENT FOR A BINDING TREATY

MOVIMENTO GLOBAL POR UN TRATADO VINCULANTE

Week of Mobilization

WHAT: **Week of Mobilization to reaffirm support for the process of elaboration of a legally binding instrument and fight against any actions and strategies that seek to derail the process.**

The second session of the Open-Ended Intergovernmental Working Group (IGWG) towards a Treaty on Transnational Corporations (TNCs) and other business enterprises (OBEs) with regards to human rights, will take place from 24-28 October. The **Treaty Alliance will be following up the IGWG discussions and organizing parallel events to give a voice to the demands of wider civil society**, including those most affected by corporate abuse.

WHO: The **Treaty Alliance**, made up of over a thousand civil society organizations, networks, advocates and activists around the world, collectively organizes advocacy activities to support the development of a UN treaty aimed at preventing corporate human rights abuses and providing effective remedy for affected people and communities where violations do occur.

The Alliance is led by a core facilitation group which includes: CETIM, CIDSE, Dismantle Corporate Power Campaign, ESCR-Net, FIAN International, FIDH, Franciscans International, Friends of the Earth International, IBFAN-GIFA, Indonesia Global Justice, International Commission of Jurists, Legal Resources Center, PAN AP, Transnational Institute and TUCA.

WHEN: 24-28 October, 2016

WHERE: Geneva, in and out the Palais des Nations
(See agenda on the following page)

WHY: **Abuses and violations of human rights which directly or indirectly engage the responsibility of business enterprises are growing, so too the threats and attacks on human rights defenders working to hold companies accountable.**

The Treaty Alliance will bring the voices of those affected by corporate abuse and impunity into the UN Human Rights Council. Their testimonies will shed light on how business operations impact the lives and livelihoods of populations and on the need for access to justice and an effective remedy. This will further illustrate that a complementary framework to the existing human rights instruments is urgently needed. In alignment with the Treaty Alliance' statement (included in the Press Kit), the Week of Mobilization aims to ensure that States actively participate, in good-faith and constructively, in the development of the Treaty, and together with the IGWG, safeguard their integrity from undue influence by actors from or related to the private sector.



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Agenda of the Week*

Monday, 24 October

13-14:45 – Side event: ***Who is the Treaty for?***
Palais des Nations, Room XXIII

13:30-15 – Side event: ***Corporate Accountability Precedents from the World Health Organization framework on Tobacco Control (WHO FCTC) and Its Implications to the Binding Treaty on TNCs and Human Rights***
Palais des Nations, Room XXVII

15:30 - ***Press Briefing***
Palais des Nations, Room XXIV

18:30-20:30 - Evening Event: ***Calling for Constructive Dialogue and Joint Action***
Conference Room – Club Suisse de la Press, Route de Ferney 106

Tuesday, 25 October

13 -14:30 – Side event: ***Global Campaign to Dismantle Corporate Power (Part 1)***
Palais des Nations, Room XXIV

13 -15:00 – Side event: ***A Treaty on Business and Human Rights (Round-table discussion)***
Palais des Nations, Room XXVII

18:30-20:30 – Evening event: ***Corporate Accountability and Influence in the UN. Current Trends in the Governance of Business and Human Rights, Global Health, Agriculture, Food and Nutrition***
The Graduate Institute, Maison de la Paix, Chemin Eugène-Rigot 2, Auditorium A2

Wednesday, 26 October

13 -14:30 – Side event: ***African Regional and International Legal Perspectives on the Relevance of the Human Right to Development and Customary Communities to the Binding Instrument***
Palais des Nations, Room XXIV

13 -15:00 – Side event: ***Ensure the Full Exercise of Human Rights in Brazil and the Access to Justice for People Affected by Transnational Companies' Operations***
Palais des Nations, Room XXIII

Thursday, 27 October

13 -14:30 – Side event: ***Global Campaign to Dismantle Corporate Power (Part 2)***
Palais des Nations, Room XXIII

Friday, 28 October

13-14:30 pm –Side Event: ***Treaty Alliance Joint Event at the 2nd IGWG Session***
Palais des Nations, Room XXIII

*UN IGWG Sessions will take place every day from 10-13:00 and 15-18:00 at the UN HRC

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September 2016

**Statement of the Treaty Alliance
on the 2nd session of the IGWG**

The members of the Treaty Alliance, in preparation of the 2nd session of the Intergovernmental Working Group (Working Group) on a legally binding instrument on transnational corporations and other business enterprises (TNCs-OBEs), from 24 to 28 October, 2016, call on the international community, each government individually and civil society in all countries to engage in a major effort to support the Working Group.

The growing mobilization of civil society organizations, including social movements, indigenous groups and local communities, as well as workers and their unions in the North and the South, in support of the international treaty process, reflects widespread demands for fair and robust regulation of TNCs-OBEs. People urge all States, working together and individually, to meet their obligations to protect human rights against powerful TNCs-OBEs. Refraining from participating in international negotiations disregards those obligations and commitments and lacks any justification.

The Treaty Alliance appreciates that a good number of States and civil society organizations are already participating in the negotiation process, but the contribution of many more is necessary for the process to succeed. We acknowledge and value the rich diversity of approaches and positions among those already involved in the activities of the Working Group, which originate from their particular experiences, problems and aspirations. Affected communities, human rights defenders and other civil society organizations should be able to find space to express themselves and contribute to this collective process.

The Treaty Alliance reaffirms our support to the process of elaboration of a legally binding instrument through the Working Group, and commits to continuing our participation and campaigning for broad participation. We call on all involved in the treaty process to reject the actions and strategies of those that seek to derail the process. In light of the urgent need to protect human rights and the environment in the context of economic globalization, we call for an enhanced global regulatory framework for the accountability of TNCs-OBEs and improved access to justice by victims of corporate abuse.

We stress the crucial importance of State participation and urge those States that have not already decided to attend the second session to do so. Constant and active participation of State delegates will signal their true commitment to put human rights and the planet first, over business profit.

The legally binding instrument will be a step forward in the promotion and protection of human rights, building on previous efforts, 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. They should lay down an



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international framework for legal accountability, enhancing access to justice and the fight against corporate impunity, and strengthen international cooperation to address these global regulatory challenges. People expect and are entitled to a better protection of their rights, and decisive and committed action by their governments.

We condemn the growing threats and attacks on human rights defenders working to hold companies accountable. We express our solidarity with our colleagues, and demand investigation and punishment for the perpetrators. In addition to substantive human rights protections, the legally binding instrument on TNCs-OBEs must contain provisions that enhance a protection regime for human rights defenders and whistle blowers.

We reject the actions and attempts by some corporations to directly or indirectly unduly influence the process and the position of states and other actors and capture the terms of the debate. Similarly, aligned with the Treaty Alliance's May 2016 statement, we call on States to ensure the legally binding instrument incorporates protections against undue influence by corporations of national regulatory and policy debates in which they have an inherent conflict of interest, akin to the model contained in the Framework Convention on Tobacco Control to prohibit tobacco companies to influence health policy debates.

Finally, we reaffirm previous Treaty Alliance statements on the content of – and process towards – the binding instrument, recalling that the process must be transparent, participative and people-centered.

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May 2015

Second Statement

“Enhance the International Legal Framework to Protect Human Rights from Corporate Abuse”

Between May and June 2015 approximately 900 civil society organizations and individuals signed a joint statement by the Treaty Alliance in support of a binding instrument and calling on the IGWG to take specific measures to deliver effective human rights protections to prevent and remedy corporate abuses. This support follows the more than 1000 signatories collected in 2013-14 calling for the UN to pass Resolution 26/9 and to begin negotiating stronger binding international standards.

We, the signatories to this joint statement,

Welcome the establishment at the 26th Session of the UN Human Rights Council of the “open-ended intergovernmental working group on a legally binding instrument on transnational corporations and other business enterprises with respect to human rights, the mandate of which shall be to elaborate an international legally binding instrument to regulate, in international human rights law, the activities of transnational corporations and other business enterprises” (res 26/9). We call on all civil society organizations and States to actively and constructively participate in this process.

We are convinced of the need to enhance the international legal framework to protect human rights in the context of business operations. We are also mindful of the urgent need to improve access to justice, remedy and reparations for victims and to stop corporate human rights abuses. The treaty process complements other instruments and initiatives in the field of business and human rights.

On the process and participation of States and civil society

There is a large and growing group of human rights organizations, social movements, affected communities and other civil society organizations involved in this process. The strong mobilization at the time of the Human Rights Council decision to start this process gathered more than 600 signatures (from at least 90 countries) in support of a Joint Statement and ensured the presence of numerous national and international organizations in Geneva in June 2014.

With regard to the procedures to be followed by the Intergovernmental Working Group, it is important from the outset that the ground rules ensure full transparency and enable a participative process towards the elaboration of this legally binding instrument.



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The process of elaboration of the prospective treaty should address the needs and realities of people and communities whose human rights have been infringed, or are being threatened, by corporate conduct.

We call on all States to actively participate in good-faith and constructively in the development of this treaty. States and the IGWG should safeguard their integrity from undue influence by actors from or related to the private sector whose primary interest in the process falls outside the objective of promotion and protection of human rights.

The existing rules for the participation of observers with ECOSOC status in the Intergovernmental Working Group should be applied. Special attention should be given to the participation of representatives from communities and organizations of people affected by transnational corporations and other business enterprises.

On the format, scope and content of the treaty

We reaffirm the content of the Treaty Alliance's Joint Statement adopted prior to the decision of the Human Rights Council of June 2014. A new phase starts now with the establishment of the open-ended Intergovernmental Working Group and the preparations for its first session on 6-9 July 2015. With a view to achieving meaningful progress at this session, we consider that the following elements must be discussed:

a) The treaty should require States to adopt legislation and other measures requiring TNCs and other business enterprises to adopt policies and procedures aimed at preventing, stopping and redressing adverse human rights impacts wherever they operate or cooperate. These measures should also cover business operations and relationships taking place in countries other than the countries where the business may be domiciled or headquartered. Companies should be subjected to appropriate sanctions for their failure to adopt such policies and procedures.

b) The treaty should clarify the kind of company conduct that will give rise to legal liability (civil, criminal and administrative). Through this international instrument, States will have the obligation to translate these standards into national legislation and enforce them. Offences committed against the environment and impacting adversely human rights should be included. Provisions for international legal and judicial cooperation among countries should facilitate the investigation and trial of cases of transnational nature.

c) The treaty should elaborate on the modalities in which TNCs and other business enterprises participate in the commission of human rights abuses, including corporate complicity and parent company responsibility for the offences committed by its subsidiary. Corporate legal responsibility should not exclude the legal responsibility of company directors or managers.

d) The treaty should allow people with a claim access to judicial remedies not only in their own home States, but in all other States that have jurisdiction over the concerned business enterprise. The

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jurisdiction of national courts of these States should extend to deal with these cases separately and jointly, and effectively guarantee access to justice to the victims.

e) The treaty should provide for an international monitoring and accountability mechanism. A dedicated unit or center within the United Nations may improve the international capacity for independent research and analysis and for monitoring the practices of transnational corporations and other business enterprises. The needs and feasibility of a complementary international jurisdiction should be discussed.

f) The treaty should contain provisions requiring States to respect, protect and facilitate the work of human rights defenders and whistle-blowers. The right to access to information of public importance and relevant to cases of business-related abuse should be guaranteed.

We consider that during the sessions of the IGWG there should be a full discussion about addressing businesses operating within a single State.

The enhancement of the international human rights system in relation to TNCs and other business enterprises is urgent and needed. We call on civil society organizations, social movements, affected communities and the public to actively promote locally, nationally and internationally the public debate around this process and mobilize for this treaty.



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Press conference – Bio Speakers

Miguel Urban Crespo [@miguelurban](https://twitter.com/miguelurban)

Member of the European Parliament with PODEMOS (Spain). Member Committee on Foreign Affairs, Subcommittee on Human Rights and Committee of Inquiry to investigate alleged contraventions and maladministration in the application of Union law in relation to money laundering, tax avoidance and tax evasion (PANA).

Dr Godwin Uyi Ojo

Executive Director, Environmental Rights Action/Friends of the Earth Nigeria, Dr Godwin is a political ecologist for over two decades working on environmental and human rights issues in Nigeria. He is deeply involved in legal cases against Shell Corporation for their abuses in Nigeria.

Debbie Stothard

Secretary General of the International Federation for Human Rights (FIDH) and Coordinator and Founder of Alt-SEAN Burma. Debbie is a human rights campaigner for over thirty years, particularly in Burma, Malaysia and across South East Asia.

Pablo Fajardo

Lead lawyer against Chevron (Former Texaco) Corporation. He represents 30.000 affected indigenous people impacted by the company in the Ecuadorian Amazon, in a case that lasts almost 23 years.

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