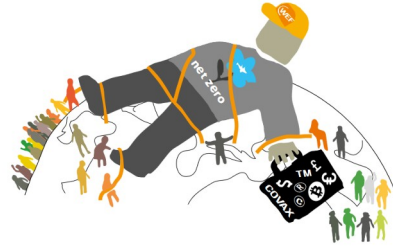


**Global Campaign
to RECLAIM PEOPLES SOVEREIGNTY,
DISMANTLE CORPORATE POWER
and STOP IMPUNITY**



UN Binding Treaty on TNCs and Human Rights

Affected Communities and Social Movements Urge to Get Negotiations Back on Track in the Face of a New Diversionary Threat to the Process

Declaration of the Global Campaign to Reclaim Peoples' Sovereignty, Dismantle Corporate Power and End Impunity, in the framework of the 8th session of the UN Open-Ended Intergovernmental Working Group on Transnational Corporations and Human Rights (OEIGWG)

18th of October 2022

The [Global Campaign to Reclaim Peoples' Sovereignty, Dismantle Corporate Power and Stop Impunity](#) (Global Campaign), a network of more than 250 social movements, civil society organizations, trade unions and representatives of affected peoples and communities, expresses its unwavering commitment to the adoption within the UN Human Rights Council of an ambitious and effective international legally binding instrument on transnational corporations (TNCs) and human rights¹.

In the run-up to the 8th session of the OEIGWG (October 24-28, 2022), we believe that it is essential to maintain a dynamic and transparent negotiation process that will build on the agreements adopted in the Conclusions and Recommendations of the previous sessions – especially to the extent that these are consistent with the letter and spirit of Resolution 26/9, which establishes the mandate of the Working Group.

We are thus disappointed and gravely concerned with the patent and inexplicable step backwards by the Chair of the OEIGWG (Ecuador) with respect to the work methodology and the contents of the 8th session. The Chair presented a document containing informal textual proposals on some of the key articles of the draft Treaty, purportedly to advance the negotiations. However, this set of proposals totally disregards the methodology agreed by the Working Group at the 7th session and the work carried out over the years by social

¹ As Global Campaign, we reiterate the [proposals presented in the framework of previous negotiation rounds](#). These proposals are the result of dialogue between movements, numerous civil society actors, communities affected by corporate crimes around the world, academics and committed jurists. They aim to achieve the international normative framework necessary to ensure access to justice for communities affected by TNC human rights violations and the destruction of nature, and to put an end to corporate impunity.

movements, civil society organizations, trade unions, people and communities affected by the TNCs, as well as many States participating in the negotiations.

We recall that the working methodology was established last year in a document presented by the Chair² and in the Conclusions³ of the 7th session of the OEIGWG. Consistent with this, the Chair agreed not to present a fourth draft for discussion at the 8th session.

Instead, a "Group of Friends of the Chair" was envisioned to carry out the task of compiling and advancing informal text proposals in order to seek consensus on the draft articles. Although the Global Campaign demands transparency, balanced representation in the "Group of Friends of the Chair" and the creation of channels of dialogue with civil society, we welcomed the Chair's commitment not to resubmit its own text. However, in September of this year, the Chair admitted its inability to convene such a group and announced the submission of these proposals.

We in the Global Campaign reject and oppose the consideration of these informal text proposals. In the first place, we consider that their untimely presentation represents a breach of the agreements reached at the previous session, is contrary to the practices of the United Nations and subverts the dynamics of the seven previous rounds with respect to the time allowed for the analysis of the proposals prior to each meeting.

Secondly, we wish to emphasize that these proposals depart from the mandate of the Working Group established by Resolution 26/9. They reflect a position of the Chair with respect to a series of fundamental articles of the Treaty text, introducing new content and new formulations that none of the parties to the Working Group has formally supported in previous sessions and that are far removed from the proposals made by the majority of the States, social movements and affected communities. Specifically, we denounce that the text of the Presidency:

- arbitrarily excludes a good part of the proposals presented by different States and in particular those that are aligned with the Global Campaign. This not only calls into question the transparency of the process and its open and participatory nature, but may further delay the discussions;
- leaves the adoption of specific normative mechanisms to the decision of each State according to its internal situation, without a clear mandate for reform. This negatively affects such key issues as corporate criminal liability, access to justice, the reversal of the burden of proof and statutes of limitation;
- eliminates the ability of the future Treaty to create a level playing field; and

² "Scenario note on modalities for organizing the 7th session of the open-ended intergovernmental working group (OEIGWG) on transnational corporations and other business enterprises with respect to human rights and the process projected after the 7th session"

³ <https://daccess-ods.un.org/access.nsf/Get?OpenAgent&DS=A/HRC/49/65&Lang=E>

- arbitrarily eliminates any mention of TNCs, whose regulation at the international level is the core of the proposed Treaty.

With this proposal, the Chair definitively departs from the mandate of Resolution 26/9 and from the objective of creating a global normative framework capable of eliminating corporate social and environmental dumping strategies, ending the impunity of TNCs and ensuring access to justice for those affected by human rights violations and environmental damage committed by TNCs and entities in their global value chains.

In light of the above, we reiterate our opposition to the Chair's new strategy, which we consider to be contrary to the original mandate of the OEIGWG. With his proposal, the Chair undermines the efforts and the gains of the years of work and commitment of social movements, affected communities and States advocating for a binding Treaty within the framework of Resolution 26/9.

We call on all States to mobilize, reject this unfortunate and ill-advised maneuver, and reverse this turn of events. We also ask that they demand respect for the democratic nature of the process and the agreements reached thus far. In this regard, we urge States to lay to the side the Presidency's text of "suggestions", and use the third revised draft treaty, with the proposals of the States included, as the sole basis for negotiation at the 8th session.

Contact:

Raffaele Morgantini, CETIM, Coordinator of the Global Campaign at the UN, raffaele@cetim.ch, +41796606514

Julia Camilo Fernandes, Movimento dos Atingidos por Barragens, Facilitator of the Global Campaign, facilitation@stopcorporateimpunity.org