

# Towards the UN Binding Treaty to Stop Corporate Impunity



***Global Campaign to Reclaim Peoples Sovereignty, Dismantle Corporate Power and Stop Impunity***

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## Global Campaign to Reclaim Peoples sovereignty, Dismantle Corporate Power and Stop Impunity

The Global Campaign is a network of over 200 social movements, networks, organisations and affected communities resisting the land grabs, extractive mining, exploitative wages and environmental destruction of transnational corporations (TNCs) in different global regions, particularly Africa, Asia and Latin America. The Campaign is a peoples global structural response to unaccountable corporate power. It provides facilitation for dialogue, strategizing, exchanging information and experiences and acts as a space to make resistance visible and deepen solidarity and support for struggles against TNCs. [The Call to International Action and the list of members can be consulted here.](#)

### ***The Campaign is strengthening its work through:***

- ✓ **Mobilisation and solidarity work** with resistance of affected communities e.g. (Chevron case in Ecuador, Brumadinho and Mariana cases in Brazil, Amadiba and Marikana in South Africa, ATM- Mining Campaign – Philippines, and others).
- ✓ Concretising the [International Peoples Treaty](#) in different dimensions such as: food sovereignty, agribusiness, women struggles, and alternatives. The Peoples Treaty is also applied in the following processes:
  - [Permanent Peoples Tribunal on Transnational Corporations - Southern Africa](#)
  - [Permanent Peoples Tribunal on Human Rights of Migrant and Refugee Peoples – Border crimes](#)
- ✓ **A Working Group on the Peoples Centre on Corporate Impunity**
- ✓ **A Working Group on the privatisation of democracy**
- ✓ Campaigning for the **UN Binding Treaty on Transnational Corporations and Human Rights**, developing Campaign proposals for the Intergovernmental Working Group mandated by the UN Human Rights Council to develop the UN Treaty (OEIGWG)

# ***A bit of history towards the UN Binding Treaty***

- **2004: Bi-regional network Europe – Latin America and the Caribbean** > action to denounce Free Trade Agreements and Corporate Impunity
- **2006 – 2010: [Permanent Peoples Tribunal \(PPT\) Hearings on European Transnational Corporations impacts in Latin America](#).**
  - 70 TNCs judged in 54 cases
  - 2 main conclusions:
    - **Systematic character of HR violations by Transnational Corporations**
    - **Voluntary codes of good practices and Corporate Social Responsibility (CSR) are unable to deal with corporate impunity** > we need a mandatory legal framework in the context of international law.
- **2012: [Launch of the Global Campaign](#)** (more than 200 movements, trade unions, organisations, affected communities worldwide)
- **2013: Engagement in the UN Binding Treaty process** and launch of the [Treaty Alliance](#) First Call for an international legally binding instrument on human rights, transnational corporations and other business enterprises
- **2014: [UNHRC Resolution 26/9](#)** to establish an open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights (**OEIGWG**). **4 Sessions from 2015 to 2018.**
- **2017: [Global Interparliamentary Network in support to the UN Binding Treaty](#)** (300 MPs and MEPs worldwide).
- **2018: [Draft Zero of the Binding Treaty](#)**
- **2019:**
  - June: [Draft 1 of the Binding Treaty](#) released by the Presidency of OEIGWG
  - Until end April: [comments and suggestions sent to OEIGWG](#)
  - 14-19th October: [5th Session of OEIGWG](#)
- **2020:**
  - Until 29th February: States and Civil Society to send comments on Draft 1 to OEIGWG
  - April-May: Consultations convened by the Presidency of OEIGWG (to define-confirm)
  - August: [Draft 2 of the Binding Treaty](#) published by OEIGWG Presidency. [Statement of the Global Campaign on Draft 2](#).
  - 24-31st October: [6th Session of OEIGWG](#)

## *Key positions/demands & narratives*

### Treaty Alliance:

- **An explicit commitment to continue with the 5th OEIGWG session**, and as many subsequent sessions of the OEIGWG as are needed to elaborate an ambitious legally binding instrument;
- **Informal inter-sessional consultations**, guaranteeing meaningful civil society participation;
- **National consultations**, guaranteeing civil society participation;
- **Publication of a strengthened Draft One** based on inputs and comments made on the Zero Draft and during the previous sessions, including the critical inputs made by civil society and affected communities throughout the process;
- **A reasonable timeline for additional written submissions by states and civil society on the zero draft.**

### Global Campaign ([see at this link our proposal of Treaty](#))

- **Scope of the Treaty**: The target of this process is the power and impunity of TNCs and covering all Human Rights
- **Primacy of human rights**: The legally binding international instrument must reaffirm the hierarchical superiority of human rights norms over trade and investment treaties and develop specific state obligations in this regard (**rejection of ISDS clauses**)
- **Direct obligations for transnational corporations**: The Treaty needs to establish direct legal obligations for TNCs.
- **Responsible solidarity**: In order to cover all transnational activities, the Treaty shall cover all those activities along the supply chain of the TNC.
- **International Court and other compliance institutions**
- **Rights of affected persons and communities**: The Treaty shall recognize the moral and legitimate authority of the persons and peoples affected by TNCs activities. Human Rights, Environmental Rights defenders and whistle blowers shall be protected.
- **Protection from corporate capture**: The Treaty shall include concrete measures against the influence of TNCs during the whole process of preparing, negotiating and implementing the future binding international instrument.

### *Key wins*

- The process has not been derailed. 6<sup>th</sup> Session confirmed.
- Joint work between different networks was ensured
- Large participation of States and civil society organizations delegates in every Session of OEIGWG.
- The UN Binding Treaty as key issue is in the agenda of movements in a growing number of countries

### *Key challenges*

- To avoid increasing corporate capture (cf. IOE and ICC)
- Despite the European Parliament resolutions in support to the UN Binding Treaty, EU and Global North States siding with corporations.
- Need to develop the work at the national level and enlarge the spectrum of sectors engaged in the process
- The inclusion of human rights defenders, protections for the rights of indigenous peoples, and a stronger more comprehensive gender perspective.

### *Upcoming key moments*

- Consultations in 2020
- Draft 2 of the UN Binding Treaty ready for June-July 2020
- 6th Session of OEIGWG (October 2020)

### **More Information:**

<https://www.stopcorporateimpunity.org/binding-treaty-un-process/>

