The Global Campaign, a global network representing social movements and organizations of affected communities, workers, peasants, women, and indigenous groups, as well as non-government organizations and campaign groups, indicated in a statement in early September, that given the global COVID-19 pandemic, suitable conditions do not exist for a negotiation Session. Our proposal then was to transform the Session into a shorter consultation. Our suggestion was not considered.

Unfortunately, the various challenges that we experienced and witnessed these past days proved that our original assessment was correct. The unprecedented conditions demanded innovative and new methodologies to achieve an efficient, representative and participatory process. The difficulties that everyone encountered in this 6th Session produced a less than ideal process, there was an abundance of statements with no possibilities for dialogue nor negotiation as compared to the participation of more than 90 member State delegations in 2019.

In line with our early call as civil society for this process to be an intergovernmental negotiation, we affirm it is now time to make sure that this negotiation becomes a states-driven process, with due civil society participation according to ECOSOC rules. This is the only way to safeguard its democratic character. The current process leaves both civil society and States in the dark regarding how inputs to the negotiation Text have been included or excluded. We believe that this is not the procedure to arrive to a substantive 3rd draft.

In that light and in order to do so, we propose to have an “annotated” document which includes the original 2nd revised draft text, plus all proposals received by the Chair and recorded by the secretariat during this VI Session. This base document will surely help a) to identify the level of consolidation of the language of each article and b) the level of disagreement around each article as well. In any case, a new draft should be released at an earlier stage, at least 4 months before the start of the next session, in order to give States and civil society organizations the time to process it and undertake the necessary consultations.

The Covid-19 pandemic changes all earlier procedures and that is why the annual face to face session that characterizes the IGWG methodology could also temporarily adapted to the new conditions. We believe that an inter-sessional process should be implemented to move forward with new language and agreements.

Last but not least, in terms of the content of the future treaty, we recall the urgent need to respect the mandate of the OEIGWG established by Resolution 26/9, and also urged by a majority of states.
The purpose of the mandate is the regulation of the activities of TNCs in international human rights law. That is very clear and all parties must always bear that in mind.

In the context of huge difficulties and challenges, the Global Campaign reaffirms its faith in the process. Through our commitment and vast participation – despite all challenges faced –, we remain fully convinced that this LBI is needed to bring justice to affected people and to put an end to the impunity of TNCs. The process is at a critical stage and with many threats looming on the horizon. Therefore, we provide our proposals and opinions to recover the vitality of this historic process and renew the commitment of delegations and civil society alike to achieving a successful long lasting life for this utterly necessary treaty.