



Thank you, Mr. Chair,

I am making this statement on behalf of the Sisters of Mercy, Mercy International Association, the Congregation of Our Lady of Charity of the Good Shepherd, and the undersigned members of the NGO Mining Working Group. We welcome the opportunity to speak to the Zero Draft of the Legally Binding Instrument to regulate, in international human rights law, the activities of transnational corporations and other business enterprises and commend the work of the Open-Ended Intergovernmental Working Group on opening the discussion.

This intervention focuses on Article 8 "Rights of Victims", Article 9 "Prevention", and Article 12 "International Cooperation" within the Draft Treaty.

When violations against people and the earth occur as a result of corporate activities, who is accountable; is it the State? Or corporations? Evidence suggests that international corporations hold significant monetary and political power, and yet often commit violations with impunity. According to recent statistics, 25 corporations of the world, have a greater revenue than 170 states combined¹. With such powerful financial leverage, transnational corporations have a legal and ethical obligation to be transparent and act with integrity. Why then, are corporations not held accountable for human rights violations?

The 2011 UN Guiding Principles on Business and Human Rights provided a clear mechanism forward for corporate accountability; however, the experiences of our members and partners on the ground in over 100 countries indicate that human rights continue to be violated. This is particularly apparent where extractive industries have exploited local communities through land grabbing, intimidation, and gendered violence, demonstrating how corporate self-regulation has failed to look beyond profit. The time is now for Member States to step up and incorporate clear provisions and obligations that regulate corporate human rights due diligence policies, including those with supply chains, subsidiaries and private investors, into their domestic laws.

Human rights violations on the account of corporate activities is a complex multi-faceted issue often resulting in inequality, gendered violence, social and economic marginalization to name a few. In particular, this systematic oppression is exacerbated in the lives of women and those living in rural and indigenous communities. This issue cannot be addressed in silos with a top down approach, solely involving the private sector or those working on trade and investment policy; partnerships and solutions must include a whole of society approach to ensure no one is left behind. The 2030 Agenda for Sustainable Development offers integrative approaches and targets to protect the rights of people and the earth. The implementation of the frameworks and principles within the 2030 Agenda into domestic law and corporate regulations are necessary to prevent abuses, particularly against women and girls, and protect affected communities.

¹ Sandoval, Greg; "25 Companies that are bigger than entire countries" *Business Insider*. July 25, 2018 <https://www.businessinsider.com/25-giant-companies-that-earn-more-than-entire-countries-2018-7>. Another related article from 2016 was published on the World Economic Forum website: <https://www.weforum.org/agenda/2016/10/corporations-not-countries-dominate-the-list-of-the-world-s-biggest-economic-entities/>

In this year of the 20th Anniversary of the Declaration on Human Rights Defenders, we affirm the voices of those who will give evidence and detail the challenges to effective judicial remedy and barriers to grievance mechanisms. We hold to account States' responsibility to listening to and protecting the human rights of all peoples.

Mr. Chair,

This Draft Treaty has the potential to achieve a breakthrough in relation to human rights violations committed by corporations. We welcome international cooperation that insists that human rights are at the forefront of any corporate activity.

We therefore call on the power of Member States to:

- Implement effective and transparent review mechanisms that hold corporations accountable.
- Undertake inclusive community consultations prior to corporate activity in order to listen and address the concerns of the community.
- Establish regulations with corporations that mandate, not only “pre and post environmental and human rights impact assessments” (Article 9.2e), but assessments that are ongoing and regular.
- Integrate preventative mechanisms, as outlined in the UN Guiding Principles on Business and Human Rights, within the legally binding treaty.
- Establish forums where people, in particular women, can testify, safely and privately, in regards to injustices (Article 8.11 and 8.12); and at all costs, reject forums in which foreign investors have access to private dispute tribunals.
- Ensure the ratification of a strong legally binding treaty that places the rights of people and the earth before profit of corporations.

I thank you.

Signatories

1. Sisters of Mercy, Mercy International Association
2. Congregation of Our Lady of Charity of the Good Shepherd
3. Society of Catholic Medical Missionaries
4. Fondazione Proclade Internazionale
5. Maryknoll Sisters of St. Dominic, Inc.(ECOSOC/DPI)/ Maryknoll Office for Global Concerns
6. Sisters of Charity Federation
7. Congregation of the Mission
8. Missionary Oblates of Mary Immaculate
9. Edmund Rice International
10. Greek Orthodox Archdiocese
11. Dominican Leadership Conference
12. Religious of the Sacred Heart of Mary
13. Partnership for Global Justice
14. UNANIMA International
15. International Presentation Association
16. VIVAT International
17. Pax Christi International
18. Congregation of St. Joseph Peace and Justice Team
19. Loretto Community

