



**Oral Intervention on Article 6 of Third Revised Draft
On Behalf of ESCR-Net and Al-Haq, Law in the Service of Man
25 October 2022**

Thank you Mr. Chairperson,

Distinguished delegates and colleagues,

I base my comments exclusively on the third revised draft.

Article 6, is at the heart of the purpose for this process. The argument that language is overly prescriptive in this article or throughout the 3rd revised draft is one that misses the point of this process and the need for a treaty.

If we have learned one thing in the last 50 years, since Salvador Allende raised the alarm around the threat that transnational corporations present to the enjoyment of human rights, it should be that left to their own devices, corporations will pursue short-term profit interests over the interests of people, the planet and the common good. The pursuit of the path of least resistance is in the nature of the corporation.

On the spectrum between self-interest and self-restraint, the lack of a corporate conscience, requires a legally binding mechanism that is prescriptive in order to restrain corporate behavior and prevent us from spiraling down a path from which there is no return.

In this regard, we make the following textual suggestions:

We support textual suggestions made by the State of Palestine incorporate precautionary measures under Article 6.1. We agree with Cameroon to strengthen obligations of corporations throughout in Article 6.1 and throughout the Article.

In Article 6.4, we support the proposal of Palestine to include “independent” in addition to competent authorities. We also support the inclusion of enhanced due diligence for conflict affected areas, including situations of occupation, in order to ensure that business activities do not contribute to, benefit from and/or perpetuate conflict for monetary gains. We also request explicit reference to the right to self-determination.

Finally, at the core of preventing human rights abuses and violations related to business activity is ensuring that corporations are not making decisions through government and multilateral platforms, including the UN, that affect our basic rights in the interest of profit-making. We elect governments, not corporate actors. We advocate for democracies, not corporatocracies.

As such we recommend that Article 6 maintain strong language to stop corporate capture in an effort to prevent abuses and violations in the context of business activity. We support proposals by the State of Palestine in this regard.

In efforts to limit corruption, States shall also review and adopt laws that will enhance transparency regarding business donations to political parties, corporate lobbying, awarding of licenses, public procurement, and revolving doors practices.” In conclusion and returning to the point around the need for prescriptive language. The argument that such language will lead to an increased cost in business transactions and thereby hinder business operations.

Again, Mr. Chairperson -- Yes, it costs more to care and that is the point of this process. The gaps in the duty of care must be closed. It is time to tame the corporation!

Thank you