

The United States Must Respect the United Nations and its Intergovernmental Mandate for Drafting International Law to Protect Victims of Corporate-Related Human Rights Abuses

21 October 2021

After seven years of largely ignoring and opposing the Open-ended Intergovernmental Working Group on transnational corporations and other business enterprises with respect to human rights (the 'IGWG') at the UN in Geneva, the United States is reportedly preparing to attend the 7th annual session of the IGWG next week to call for UN member states to participate in an as yet undefined alternative process. We, some of the thousands of movement representatives and civil society organizations that have worked for seven years with the IGWG to develop a legally binding instrument, consider it shameful and unacceptable that the U.S. would try to use its political power to undermine an UN intergovernmental process with a clear mandate aimed at strengthening the international human rights system.

In a time of both growing inequality and increasing profit margins for transnational corporations, the U.S. and allies calling on UN member states to consider engaging in alternative processes other than the IGWG shows a deep disrespect for the large group of largely Global South nations that have worked for seven years to strengthen the international human rights system, against steep opposition from the U.S. and some other global north delegations. The IGWG has vast support from among the international community, as illustrated by the average participation of over 80 UN Member States in each of the six previous sessions of the IGWG, including 2020 when COVID-19 severely affected states' abilities to participate. Any efforts by the U.S. to delay or obstruct the momentum of this large committed group of UN member states can only be seen as a desperate attempt to defend the corporate interests of U.S. companies, and undermine the human rights system.

This approach by the U.S. would also show utter contempt for the people and communities affected by corporate-related human rights abuses. These people and communities, many of whom we represent and/or work alongside, have resisted and survived the most egregious corporate-related human rights abuses. It is thanks to their several decades of advocacy that in 2014 the Human Rights Council passed resolution 26/9, which established, for the first time in the history of the United Nations, an intergovernmental body charged with the responsibility to elaborate an international legally binding instrument to address corporate-related human rights abuses. This authoritative intergovernmental UN mandate is far better equipped to provide the necessary means of protection and accountability for affected people than any of the various weaker voluntary initiatives that have preceded it or been proposed since. The IGWG must not be delayed.

After a catastrophic and embarrassing period of behavior by the U.S. Government under the previous Washington D.C. administration, it is hardly better for the current U.S. administration to suddenly re-engage in order to undermine the activities of an ongoing intergovernmental Human Rights Council-mandated initiative. The U.S. is not exceptional. The standards of behavior for international diplomacy are the same for the U.S. as they are for all other states. If the U.S. holds any desire to regain the faith of the international community it should show respect for UN mechanisms, the efforts of its fellow member states, and the civil society organizations who engage constructively with the UN. A clear way to demonstrate this would be to support UN initiatives to fulfil their mandates rather than engaging in efforts to undermine them.

Signed

United States

Advocacy for Principled Action in Government
Center for Constitutional Rights
Center for International Environmental Law -CIEL
Center for Transnational Environmental Accountability
Corporate Accountability
Corporate Accountability Lab
Inclusive Development International
Institute Agriculture and Trade Policy
Michigan Welfare Rights Organization
No Business With Genocide
People's Water Board Coalition
Responsible Sourcing Network
Sisters of Charity Federation
Thomas Berry Forum for Ecological Dialogue at Iona College

International

ActionAid International
Africa Europe Faith & Justice Network (Belgium)
Al-Haq
ALTSEAN-Burma (Myanmar)
Amigas de la Tierra (Spain)
Amigos da Terra Brasil
Amis de la Terre France/Friends of the Earth France
Association Sherpa (France)
Brazilian Interdisciplinary AIDS Association (Brazil)
Catholic Agency for Overseas Development (CAFOD) (United Kingdom)
CCFD-Terre Solidaire (France)
Centre for Applied Legal Studies (South Africa)
CESTA Amigos de la Tierra El Salvador
CIDSE
CNCD-11.11.11 (Belgium)
Comboni Missionaries (Italy)
Consejo de los Pueblos Wuxhtaj (Hermanos) Guatemala
FIAN International
Foro Ciudadano de Participación por la Justicia y los Derechos Humanos FOCO Argentina
Friends of the Earth Europe
Friends of The Earth InternacionalManushya Foundation (Thailand)
International Federation for Human Rights (FIDH)
Jordens Vänner/Friends of the Earth Sweden
The Jus Semper Global Alliance
Justiça Ambiental JA! - Friends of the Earth Mozambique
Justice et Paix (Belgium)
Legal Rights and Natural Resources Center-Friends of the Earth Philippines
London Mining Network (United Kingdom)

Milieudefensie/Friends of the Earth Netherlands
MiningWatch Canada - Canada
National Fisheries Solidarity Movement- Sri Lanka
NeSoVe (Austria)
Pro Natura - Friends of the Earth Switzerland
Proyecto sobre Organización, Desarrollo, Educación e Investigación (PODER) (Mexico)
Society for International Development (SID)
Südwind (Austria)