

Eighth Session of the Open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights

ORAL STATEMENT – Article 15

Joint Statement on Article 15 by CIDSE, ALBOAN, Broederlijk Delen, CAFOD, CCFD-Terre Solidaire, DKA Austria, Entraide et Fraternité, Fastenaktion, Focsiv, KOO, Misereor and Trócaire.

27 October 2022

Mr. Chair,

I deliver this statement on behalf of CIDSE, ALBOAN, Broederlijk Delen, CAFOD, CCFD-Terre Solidaire, DKA Austria, Entraide & Fraternité, Fastenaktion, Focsiv, KOO, Misereor and Trocaire.

In 2019, the collapse of tailing dams in Brumadinho, Brazil, took the lives of many of my friends and many families, and contaminated earth and water, also threatening the lives of future generations. The dam was operated by Brazilian multinational Vale. The collapse was made possible by fake certifications by the German company TUV SUD.

We, communities affected by large multinational corporations are in a hurry because we are dying. We don't want to die. We need the international community to hold accountable those who are contaminating our water, air and soils and taking the lives of our brothers and sisters, and ensure proper reparation

Yet, I have sometimes the impression many States in this room are closer to the interests of businesses than those of the people in the Global South. We refuse to be the sacrificed population that allows rich countries to live in abundance.

Mr Chair, we are still waiting for justice. I am still waiting for justice.

We need to create international parameters and criteria to regulate the operations of multinationals effectively and to ensure that victims can directly access justice. For this, the provisions in article 15 must be significantly improved.

For this, the Committee, established in Article 15, should be equipped with more functions than those mentioned in Art. 15.4. The parenthesis in Art. 15.4.e. should be deleted to enable the Committee to request the Secretary-General to undertake studies on specific issues related to the Legally Binding Instrument on his own behalf.

The Committee in Art 15 should have the capacity to receive communications and complaints, and to make recommendations on specific cases. Receiving input from affected people and communities would allow for important feedback on the implementation of the instrument, in view of future improvements. Moreover, the establishment of an international court of justice, before which those affected can sue the companies and/or States involved in the case of infringements and the exhaustion of national legal protection possibilities, should be pursued further. Such mechanism should adopt an approach that is both gender sensitive and responds to the particular needs of women, children, Indigenous and quilombolas Peoples.

Dear States, I call on you to fulfil your responsibility as a State and to protect your people.

Thank you