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**GENERAL ASSEMBLY**  
*26th session of Human Rights Council*  
**Item 3: Promotion and protection of all  
Human Rights**

## **Annual Report of the Working Group on human rights and TNCs and other enterprises (A/HRC/26/25)**

### **Oral Statement**

#### ***Check against delivery***

Mr President,

This declaration is supported by the worldwide campaign “for the dismantling of the power of TNCs” that comprises more than a hundred organizations and social movements fighting against the impunity these entities enjoy.

Mr President,

Since its establishment three years ago, the Working Group's track record on human rights and transnational corporations (TNCs) and other business enterprises has been unsatisfactory. And for good reason. Apart from the matter of the political motivations of its members, governments and the TNCs, the Working Group's mandate does not allow it to monitor TNC activities harmful to human rights. Indeed, the Working Group's mandate consists in essence of promoting Mr. John Ruggie's *Guiding Principles* and identifying and reporting TNCs' good practices. In spite of the many communications about human rights abuses committed by TNCs sent to the Working Group, this Working Group is unable to address the victims' complaints, as it admits itself in its first report<sup>1</sup>.

Moreover, as everybody knows and in addition to their questionable content, Mr. Ruggie's *Guiding Principles*, are voluntary. Thus, their implementation depends solely on the TNCs' good will<sup>2</sup>. We therefore consider these *Guiding Principles* as an excuse for contributing to perpetuate the framework of the TNCs' impunity.

Mr President,

Nowadays, a few hundred TNCs control most of the world's production and marketing of goods and services. This gives them a power unprecedented in history. In addition, the current transformation of banking activities and the concentration of financial capital in the hands of a few transnational entities are not only a threat to the real economy but also to democracy. The

<sup>1</sup> See the Working Group's annual Report, A/HRC/20/29, § 89, April 10<sup>th</sup>, 2012, presented at the 20<sup>th</sup> Session of the Human Rights Council (June-July 2012).

<sup>2</sup> For more information, see the critical report by the CETIM, “Transnational Corporations: Major Players in Human Rights Violations”, December 2011, [http://cetim.ch/en/publications\\_cahiers.php](http://cetim.ch/en/publications_cahiers.php).

TNCs' control is legally consolidated through free-trade agreements, investment treaties and international arbitration tribunals, which not only circumvent national jurisdiction but completely ignore human rights.

In return, TNCs have almost no obligations. By being everywhere and nowhere (legally), they escape all judicial and democratic control. They even manage to influence public policy economically, socially, and culturally.

The six declarations drafted<sup>3</sup> by the CETIM and presented at this session in collaboration with its partners such as the member organizations of the campaign “for the dismantling of the power of the TNCs”, show that serious and wide scale abuses committed by TNCs remain unpunished to this day. The declarations also show that this phenomenon is not limited to a single country or region but extends to the entire world, especially to developing countries of the South.

Mr President,

A legal framework has been discussed at the United Nations for more than 40 years, and measures at the national level are insufficient. It is time that governments take the appropriate measures towards these entities at the international level by adopting binding norms or risk losing all their credibility. This is what the CETIM, along with the campaign “for the dismantling of the power of the TNCs”, is demanding. It is therefore urgent to create an intergovernmental working group that can negotiate such norms, a Working Group that is also requested by 85 member states of the United Nations. A people's treaty on TNCs is currently being drafted by the worldwide campaign. It could serve as a basis for future negotiations.

Mr President,

I thank you for your attention,

Geneva, June 11<sup>th</sup>, 2014.

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<sup>3</sup> See A/HRC/26/NGO/38, A/HRC/26/NGO/74, A/HRC/26/NGO/93, A/HRC/26/NGO/94, A/HRC/26/NGO/96 and A/HRC/26/NGO/100.