



Franciscans International

A voice at the United Nations

7th Session of the open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights

25 October 2021

Opening statement

Thank you Mister Chairperson Rapporteur.

This statement is on behalf of Franciscans International, in partnership with Churches and Mining, a network committed to defending communities affected by mining in countries in Latin America. We are part of and support the Treaty Alliance, ESCR-Net, and Feminists for a Binding Treaty.

First of all, we want to congratulate you, Mister chairperson for the presentation of the third draft LBI. We consider that there has been progress made in this third draft- including in relation to the inclusion of environmental justice and accountability elements. Yet, we are convinced that the draft can still be improved in order to better respond to the still widely prevailing challenges to access to justice and to the right of victims to effective remedies including reparations.

Indeed, I have unfortunately witnessed repeated mining disasters, where communities are left devastated and with little recourse. In still too many cases, rather than protect communities, State authorities often prioritize the wants of mining companies and fail to hold them accountable when their operations impact the environment or human rights. This prioritization of profits over rights was again highlighted when mining was deemed an essential activity in many countries at the height of the COVID –19 pandemic.

More broadly, these recent months have brought to the forefront other issues regarding business obligations. One of them is the regression of environmental protection laws and standards, especially with regard to licensing processes in the extractive sector, as observed in several countries. This happens in the midst of a pandemic that has shown the dangerous interlinkages between environmental degradation and risk to human health and other rights. And in a time when the most recent IPCC report on climate change- driven by human and business- activity is sending the international community a vibrant warning to act urgently. The regulation of business activities that directly or indirectly contribute to climate change in that context is a question of survival for all of us.

Accordingly, we urge all States to actively participate and engage constructively in the process, and underscore the urgent need for a binding instrument to regulate transnational corporations and other business enterprises under international human rights law. The time for action has come - distractions, including pretexts related to national or regional initiatives, and calls to look at other options do not serve the individuals and communities that need justice now.