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Binding Treaty to Regulate Corporate Power is Essential for a Better Tomorrow: Statement of member organizations of the Treaty Alliance in response to the COVID-19 crisis

June 2020

We, the undersigning organizations, all members of the Treaty Alliance are concerned by the challenging situation generated by the COVID-19 pandemic and the economic and social impact of the measures adopted to contain the contagion, including its differential impact on women. We wish to express our solidarity to those particularly affected by the disease and the lockdown measures, the millions of marginalised people who are at the intersection of multiple situations of vulnerability and for whom physical distancing mitigation is not an option.

COVID-19 patently confirms the analysis that we have collectively produced over the years. The extreme risks and threats that our societies are confronted with in facing the pandemic today are closely connected to the failures of our economic, political and social systems to realize human rights and environmental protection. For several years now, we have been disclosing the structural pathogenesis of a financialised globalization that has aggravated inequalities within and between countries, in the context of the intergovernmental negotiations for the Binding Instrument on Transnational Corporations and Other Business Enterprises, currently undergoing under the auspices of the Human Rights Council in Geneva.

Our societies are for example ill equipped to respond to the pandemic, due to a range of significant failures that deregulated globalization adjustment plans and concentration of power of corporations have determined in the last decades.

Limitless resource grabbing has broken the borders between ecosystems, leading to viruses naturally hosted in animals to transit into human beings.

Market-solutions and the processes of privatization imposed on the public health, care and social protection sectors have significantly contributed to the weakening of public health, care and social protection even in countries equipped with national health systems, which has dramatically caused the lack of preparedness and insufficient capacity of most national responses to the dire health needs triggered by the pandemic.

The industrialization and globalization of food systems has reduced local food producers' capacity to make healthy food available to nourish people locally, while ultra-processed food increases people's vulnerability to COVID-19, both from the health and financial perspective. It's a cruel reality that in the midst of a looming food crisis, agricultural production by local farmers - those who provide between the

70 and 80% of healthy food worldwide- has been sacrificed due to lockdown measures. On the other hand, contagion mitigation measures in most countries have worked in the interest of the big agri-food chains, which offered no comparative advantage from a risk management point of view.

Global labour flexibilization has increased the amount of informal workers whose precariousness is today the collateral pandemic of COVID-19. This is especially affecting women, who are majoritarily in the most precarious, “flexible” and terciarised jobs. Domestic workers as well as jobs in the trade and services sectors are highly feminised, which adds up to the current gender pay gap. Millions of them have lost their incomes since the beginning of the outbreak, which is dramatically worsening their personal, family and community life conditions. Where no social welfare is in place, millions of formal and informal workers are sliding into poverty or extreme poverty.

The digitalization of education in the lockdown, with only private facilities available and only for those who can pay for the technologies drastically excludes the many children from families unable to cover immatriculation costs and the costs of the tools used for teaching activities in this emergency. Simultaneously, it puts a heavier care burden on women. Even in those countries where there is public access, the general assumption is that women will be at home taking care of the children and providing the support of families during lockdown. Data available at national level provide increasing evidence that the technological option to replace teaching in presence is an additional driver of exclusion in view of the unaddressed digital divide and crisis of care.

The priority given by certain governments to war preparedness and military expenditures in their national budgets, including through support to a “never in crisis” weapons industry, has distracted immense resources to the defence sector, thereby structuring national budgets and industrial sectors according to needless priorities. Due to capture of the States corporations, the weapons industry, the extractive industry and other major industries, existing policies are harming us and are infringing upon our human rights.

Through exploitation, dispossession and direct abuses of human and environmental rights, and corporate capture of public policy making, corporate power is now working to maintain a dominant economic system that prioritizes company profits over the realization of human rights. This strategy has not only exposed States’ weakened or non existing production capacity for the range of health tools needed to contain the spread of the disease at home, but it has also tragically endangered States’ capacity and financial availability to adequately respond to the needed social expenditures and transferences on a massive scale.

Governments have difficult choices to make in these unprecedented times, largely as a legacy of much abusive corporate behavior that States have not been able nor

willing to govern, notwithstanding its adverse impact on human and environmental rights. The scale of corporate control over government is an endemic source of pathogenesis, whose inefficiency has finally been brought to the fore as a point of non-return by the COVID-19 global outbreak, in favour of a societal quest for reclaiming the responsibility of public services. But we are not there, yet.

Some witnesses from different communities in our movement have reported that companies engaged in extractive projects abuse lockdowns to skip informed consent provisions. Others have explained how middle men are taking advantage of the health crisis to pay small food producers less while increasing prices in the cities, with the excuse of the lockdown. Other groups have disclosed the bias of national pandemic measures largely favoring the agro-industry and its distribution channels, while the support offered to peasants is mostly through private insurance schemes. Abuses of the rights of agricultural workers include shift extensions, combined with total negligence regarding poor housing, inadequate food and sanitary conditions, in violation of physical distancing measures imposed by governments. Mass dismissals of workers have also been reported by our members in several countries.

While information is an essential precondition for the exercise of any right, in the wake of Covid-19 a number of tech companies have seen a surge in their business during this crisis. Some have already obtained enormous users' personal data that can track people and infringe on their right to privacy. In contrast, due to policies largely influenced by corporations, the right to access information is being restricted or suspended. This creates a major obstacle in access to remedy for people whose rights are being infringed.

The ground for testing the will and the power of governments vis a vis the corporate sector in the context of COVID19 is coming soon with regard to access to the essential health goods and equipment - vaccines, medicines and all other medical devices - that will be developed and produced to control and fight the new coronavirus. Pharmaceutical companies have arguably taken steps in countries to benefit from the current race to the cure against COVID19 already (cfr. Gilead orphan drug request to FDA), and they are using their massive corporate power to oppose governments' measures to smoothen patent exception procedures in countries, as well as any other collective intergovernmental initiative to develop and produce vaccines and medicines as global public goods, under the auspices of the World Health Organization (WHO).

The dominant economic system allows big corporations to allocate a significant amount of funding to mitigate the impacts of lockdown measures and the looming economic crisis on their profit-making. In this setting, corporations are influencing international and national legislative and policy decisions to benefit their profit margins.

The many irrefutable lessons from COVID-19 lead us all to one converging direction, namely **the importance of introducing and advancing legal frameworks, at national, regional and international level, to ensure corporate accountability with respect to human and environmental rights.** In this much needed global effort to overcome a system of deregulation and advance governments' standard-setting capacity, the negotiation process around the Binding Instrument on Transnational Corporations (TNCs) and Other Business Enterprises (OBEs) with respect to human rights must continue. **Ultimately, with the new normal, we need new norms.** We need legally binding arrangements through which the right to social protection and healthcare, the right to food and water, the right to education and employment, the right to a healthy environment, right to information, right to privacy, the right to freedom of assembly are properly addressed, promoted, and protected by the State, as key elements for the transformative change we want to see towards substantive democracy and sustainable development. If we are serious about the Agenda 2030, a legally binding instrument to regulate corporate power is the concrete step we need in order to move in the direction of justice, rule of law and true sustainability for all; the best vaccine to prevent pandemics like the current one.

Nothing will be the same, it is often said. But change will not happen by itself. This means that COVID-19 offers an extraordinary opportunity for embracing communities' expertise and social movements' knowledge into shaping the new societies where planet's rights and human dignity prevail over corporate profit. After the COVID19, the active participation of grassroots communities, social movements and civil society organizations in the Binding Treaty process and in any similar normative route at national or regional level is of even greater relevance. These are the people who at the end will have suffered the highest price of the pandemic, not just in terms of their health. These are the people who will have accompanied and supported those in greater needs during the pandemic. These are the people who will know best the impact of removing the ground rules of a disciplined society in a scenario of mounting inequalities, sadly fuelled by the impact of the pandemic.

The COVID-19 crisis tells us that we need societies in which effective accountability mechanisms are in place. **Therefore, we urge all national authorities, and particularly the member states' delegations of the Human Rights Council, to make all efforts possible to continue advancing towards the adoption of a Binding Instrument on Transnational Companies and OBEs, strengthening the diplomatic route and ensuring effective participation of those actors that truly pursue democracy, accountability and the public interest.**

These processes should pave the way to building the new normality in which present and future generations can enjoy the results of states commitments enshrined in the bill of rights and in our national constitutions.

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Please see below list of names and organizations who have already signed on:

1. Accion Ecologica, Ecuador
2. ActionAid International
3. African Centre for Biodiversity
4. African Coalition for Corporate Accountability
5. Agora of the Earth's Inhabitants
6. AITEC
7. Al-Haq
8. Alliance for Food Sovereignty in Africa
9. ÀLTSEAN-Burma
10. AMDH (Association Marocaine des Droits Humains)
11. Amis de la Terre France
12. APDHE-Asociación Pro Derechos Humanos España
13. Association Centre Europe- Tiers Monde Cetim
14. Association For Promotion Sustainable Development
15. Association for Women's Rights in Development (AWID)
16. Associazione di Studi e Informazione sulla Salute Italia
17. ATTAC España
18. ATTAC France
19. Australian Food Sovereignty Alliance
20. BADIL
21. Brazil Humanidade
22. BUND (Friends of the Earth Germany)
23. Cairo Institute for Human Rights Studies (CIHRS)
24. Campaña Catalunya No als Tractats de Comerç i Inversió
25. Campaña No a los Tratados de Comercio e Inversión
26. CCFD-Terre Solidaire
27. Cecilia Cherrez
28. Center for Peace Education & Community Development
29. Centre for Health Science and Law
30. Centre for human rights and development
31. Centro de Documentación en Derechos Humanos "Segundo Montes Mozo SJ" (CSMM)
32. Centro de Políticas Públicas y Derechos Humanos - Peru EQUIDAD
33. Christian Initiative Romero (CIR)
34. CIDSE
35. CMAT
36. CNCD-11.11.11
37. Colectivo de Abogados "José Alvear Restrepo"
38. Comité de Defensa del Patrimonio Nacional E
39. Comité pour les droits humains en Amérique latine
40. Commission Justice et Paix
41. Commonwealth Human Rights Organization (CHRI)
42. Consejo de Investigación en Desarrollo
43. Consorcio para el Diálogo Parlamentario MX
44. Consortium of Ethiopian Human Rights Organizations
45. Convergence Globale des Luttes pour la Terre et l'Eau - Ouest Africaine (CGLTE OA)
46. Convergence malienne contre les accaparements des terres (CMAT)
47. COOPERACIÓN
48. COORDINADORA ESTATAL DE COMERCIO JUSTO
49. Coordination Nationale de la Plate Forme Paysanne du Niger
50. CorA Network for Corporate Accountability
51. CORE Coalition UK

52. Corporate Accountability
53. Corporations - Zero Tolerance
54. DAWN (Development Alternatives with Women for a New Era)
55. DAWN (Development Alternatives with Women for a New Era)
56. DIGNIDAD Coalition
57. Dominicans for Justice and Peace (Order of Preachers)
58. Ecologistas en Acción
59. Ekumenická akademie (Ecumenical Academy, Czech Republic)
60. ELA
61. Empowerment Through Art / Yllang Montenegro
62. Entraide et fraternité
63. Entrepueblos/Entrepobles/Entrepobos/Herriarte
64. Equidad de Género: Ciudadanía, Trabajo y Familia
65. Ethiopian Society for Consumer Protection
66. European Network against the Privatization and Commercialization of Health and Social Protection
67. Fairwatch-Italy
68. Feminist Task Force
69. FIAN Austria
70. FIAN Belgium
71. FIAN Brasil
72. FIAN Colombia
73. FIAN Ecuador
74. FIAN Germany
75. FIAN Indonesia
76. FIAN Internacional sección Honduras
77. FIAN Internacional
78. FIAN México
79. FIAN Sri Lanka
80. FIAN Sweden
81. FIAN Switzerland
82. FIDH
83. FOCO Foro Ciudadano de Participación por la Justicia y los Derechos Humanos
84. Focus on the Global South
85. Fondation Eboko
86. Fondazione Finanza Etica
87. Foundation for the Conservation of the Earth (FOCONE)
88. France Amérique Latine (FAL)
89. FRANCISCANS INTERNATIONAL
90. Fresh Eyes
91. Friends of the Earth Europe
92. Friends of the Earth Germany (BUND)
93. Fundación para Estudio e investigación de la Mujer
94. Gestos (soropositividade, comunicação, gênero)
95. Global Campaign to Reclaim Peoples Sovereignty, to dismantle Corporate Power and Stop Impunity
96. Global Forest Coalition
97. Global Justice Now
98. Global Network Dialogues for Humanity-Brazil
99. Global Policy Forum
100. Global social justice
101. Grupo de Trabajo Suiza Colombia ask!
102. Homa- Human Rights and Business Centre

103. Hope for Rural Women Assembly
104. Housing and Land Rights Network - Habitat International Coalition
105. Human Dignity
106. IDHEAS LITIGIO ESTRATÉGICO EN DERECHOS HUMANOS
107. Indonesia for Global Justice (IGJ)
108. Institute for Agriculture and Trade Policy
109. Instituto de Desarrollo de la Economía Asociativa (IDEAC)
110. Instituto de Estudios Ecologistas del Tercer Mundo
111. Instituto Políticas Alternativas para o Cone Sul (Brasil)
112. Instituto Políticas Alternativas para o Cone Sul (PACS)
113. International Association of People's Lawyers
114. International Women's Rights Action Watch Asia Pacific (IWRAP Asia Pacific)
115. IRPAD/Afrique
116. Jordens Vänner
117. Jubileo Sur/Américas
118. Justiça nós Trilhos, Brasil
119. Lawyers for Human Rights
120. Les Mêmes Droits pour Tous
121. LVC seaf/ZIMSOFF
122. Madhyam (New Delhi, India)
123. Marta benavides - SERR & SIGLO XXIII
124. Medicina Democratica odv
125. Medico international
126. Meena Menon and Chandan Kumar
127. Mines, Mineral & People
128. Movendi International
129. Movimento Águas e Serras de Casa Branca, Brumadinho, Brasil
130. MultiWatch
131. Murna Foundation
132. Murna Foundation
133. Navdanya International
134. Network Social Responsibility
135. New Wind Association
136. Observatorio Ciudadano Chile
137. Oilfields Workers' Trade Union
138. ONG Ecosistemas - Chile
139. Pesticide Action Network Asia Pacific
140. Plataforma Boliviana frente al Cambio Climático
141. PODER PROJECT ORGANISING DEVELOPMENT EDUCATION AND RESEARCH
142. Policies for Equitable Access to Health (PEAH)
143. Polish Institute for Human Rights and Business
144. PPSS/Anti-Jindal & Anti-POSCO Movement
145. Public Services International
146. Research and Support Center for Development Alternatives-
147. Indian Ocean (RSCDA-IO) / Centre de Recherches et d'Appui pour les Alternatives de Développement - Océan Indien (CRAAD-OI)
148. Réseau International des Droits Humains RIDH
149. Rural Women's Assembly Southern Africa
150. SEATINI South Africa
151. SERR & SIGLO XXIII
152. Socialist Workers & Youth League
153. Society for International Development (SID)
154. Solidaritas Perempuan

155. Solifonds
156. SOTERMUN
157. Stay Woke Media
158. Success Capital Organisation
159. SÜDWIND - Institut für Ökonomie und Ökumene
160. Temple of Understanding
161. The Centre for Research on Multinational Corporations (SOMO)
162. The PACS Institute –
163. Transform!at
164. Transnational Institute - TNI
165. Transnational Migrant Platform-Europe
166. Tripla Difesa Onlus
167. TROCA - Plataforma por um comércio internacional justo
168. Trócaire
169. Trust for Community Outreach and Education (TCOE- South Africa)
170. Unión Sindical Obrera (USO)
171. UNISON
172. War on Want
173. WEED - World Economy, Ecology & Development
174. WIDE+ (Women In Development Europe+)
175. Widows for Peace through Democracy (WPD)
176. WomanHealth Philippines
177. Women's Major Group
178. Working Peoples' Charter India
179. World March of Women-Philippines
180. World March of Women-Turkey
181. WSM

Individuals

1. Abraham Palafox Gastelum
2. Adriano Cattaneo
3. Alaa Talbi
4. Andrea Casale
5. Anna Gunterberg
6. Antonio de Lellis
7. Atif Abdel Mageed Mohamed
8. Augusta Angelucci
9. Barbara Grandi
10. Berson Dena
11. Bessie Aida Pino
12. Bria Scott
13. C. Clare Hinrichs
14. Carlo Bibbiani
15. Carola Mejía
16. Catherine Dimitroulias, politologue
17. claudio schuftan
18. Cristianne Famer Rocha
19. Doris Pérez
20. Dutilloy marie
21. Edgar Mojica Vanegas
22. Edleuza Oliveira Silva

23. Elisabeth Lamour
24. Elli Jost
25. Francina Varghese – WSM
26. Fulvio Aurora
27. Gabriela Franco
28. Giuseppe Reitano
29. Hazel Lavitoria
30. Herr Prof Andreas Neef
31. Horia ros
32. itzel fernandez pando
33. Javier Moreno Ibarra
34. Jennifer Lenahan
35. Joanne clarke
36. Jorge Fonseca Castro
37. José Alberto Piva
38. Julie Ward, Former MEP
39. Karin Hooijberg
40. Katrin Seifried
41. Khadija Ryadi
42. Libertad Argüello
43. Lisa Sterzinger
44. Luisa Cruz Hefti
45. Maha Abdallah
46. Marcela Ballara
47. Maria Chiara
48. María Inés Alcayaga
49. Maria Paula Russo Riva
50. Martha Lucia Gomez
51. Maryanne Stone-Jimenez
52. Mona Sabella
53. Ms. Whitney Hope
54. Najoua Baccar (ATFD)
55. Omar Rocha
56. Pablo A. de la Vega M.
57. Prof. Anne C Bellows
58. Prof. Anuradha Chenoy
59. Reinaldo Villalba Vargas
60. Robin Lenahan
61. Rodolfo Pino
62. Ruchi Shroff
63. Samuel Huard
64. Sarah Munera
65. Shaima Aly
66. Shiney Varghese
67. Sigrid Kroismayr
68. Sinéad Meade
69. Sofia Manukyan
70. Sonja Stara
71. Stella Jobin
72. Steven Lenahan

73. Tetet Nera-Lauron
74. Thomas Schwarz, Executive Secretary, MMI Network
75. Tina Wirnsberger
76. Tiziana dal pra
77. Tobia Zaffalon
78. Tomaso Ferrando
79. Toni Peratoner