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UN'S HISTORIC BUSINESS AND HUMAN RIGHTS TREATY RESOLUTION FALLS SHORT IN PROVIDING RELIEF FOR VICTIMS

JUNE 27, 2014, GENEVA — The UN Human Rights Council yesterday approved a historic resolution to start preparing a treaty on business-related human rights violations, but the process may have major shortcomings, according to human rights group EarthRights International (ERI). The treaty resolution sponsored by Ecuador misses the mark by excluding local companies from its scope, and failing to focus on practical remedies for victims of human rights abuses.

“We strongly believe that the UN needs to address corporate human rights abuses at the international level, but it will be difficult to support this process if it remains limited to multinational corporations,” said Marco Simons, ERI’s Legal Director.

The resolution calls for a working group to prepare the terms of a treaty to regulate corporations through international human rights law, but it specifically limits the focus of the treaty to transnational companies and businesses of “international character.” “When we work with communities in the Niger Delta, how can we tell them that the protections of international law don’t apply to them simply because the corporation that’s polluting their environment is a Nigerian national oil company instead of Chevron? No other UN human rights treaty works that way.”

Jonathan Kaufman, ERI’s Legal Advocacy Coordinator, raised a case in which ERI has assisted Cambodian villagers who have lost land and livelihoods to Koh Kong Sugar, a Cambodian company owned by Thai and Taiwanese investors. “Any business and human rights treaty needs to start from the point of view of the people whose rights are being violated, but this treaty resolution starts from the perspective of regulating multinationals under international law,” explained Kaufman. ERI believes that an effective treaty needs to ensure that all victims of human rights abuse by any corporation have an appropriate remedy, either in the country where the abuse took place, the home country of the corporation, or the international arena. “By focusing only on multinational corporations and the international level, Ecuador’s resolution could let host countries off the hook for protecting their own people.”

Action will now shift to the new working group, which will begin to draft the outline of a future treaty. “We sincerely hope that the working group will focus as broadly as possible and will try to achieve practical remedies for victims of corporate abuse,” said Simons. “That’s essential not only for the treaty to be effective, but for it to be accepted.” Almost all Western countries, including the United States, opposed the treaty resolution. These countries – whose participation is necessary for a treaty to reach most multinational corporations – would be unlikely to support an eventual treaty that targets only multinationals and lets local and state-owned companies act with impunity.

EarthRights International (ERI) is a nongovernmental, nonprofit organization that combines the power of law and the power of people in defense of human rights and the environment, which we define as "earth rights." We specialize in fact-finding, legal actions against perpetrators of earth rights abuses, training grassroots and community leaders, and advocacy campaigns, and have offices in Southeast Asia, the United States and Peru. More information on ERI is available at <http://www.earthrights.org>.